T. Tucker

Mr. Harper's Speech

ON THE

FOREIGN INTERCOURSE BILL,

IN REPLY TO

Mr. Nicholas and Mr. Gallatin.

DELIVERED IN THE

COMMITTEE OF THE WHOLE

OF THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES,

On Friday the second of March, 1798.

BRITISH MUSEUM

THE following Amendment to the Bill providing the Means of Intercourſe between the United States and Foreign Nations, being under conſideration, to wit:—In the Section which provides that "the Preſident ſhall "not allow to any Miniſter *Plenipotentiary* a greater ſum "than at the rate of nine thouſand dollars per annum, as "a compenſation for all his perſonal ſervices and other "expenſes; nor a greater ſum for the ſame than four "thouſand five hundred dollars per annum, to *a Chargé* "*des Affaires;*" ſtrike out the word "*Plenipotentiary,*" and inſert in lieu thereof the words "to Great-Britain, "France or Spain;" ſtrike out the words "*Chargé des* "*Affaires,*" and inſert in lieu thereof the words "any "Miniſter to any other foreign nation:"

MR. HARPER

DELIVERED THE FOLLOWING

SPEECH.

IT was my wiſh, and my hope, Mr. Chairman, when this buſineſs was again called up ſome days ago, after an intermiſſion of three weeks or more, that we ſhould at length be permitted to come to a deciſion without further debate, on a queſtion which had ſo long occupied the attention of the Houſe, and already, perhaps, exhauſted the patience of the public. I and thoſe with whom I think on this occaſion, were willing, for the ſake of an early deciſion, to paſs by, unanſwered, many things which, though ſuſceptible, in our opinion, of an eaſy refutation, were calculated to make an impreſſion to our diſadvantage. We were even content to leave unnoticed the violent philippic of the gentleman from Virginia (Mr. Nicholas) who introduced this motion, and who, in ſupport of it, has allowed himſelf ſo great a latitude of invective againſt its oppoſers and their adherents. We therefore repeatedly called for the queſtion, and did all in our power to cloſe a debate in which ſuch immoderate uſe had already been made of the indulgence of the Houſe.

But it did not ſo ſeem good to the gentleman from Pennſylvania (Mr. Gallatin). He yeſterday pronounced a diſcourſe of three hours and an half long, in which he repeated aſſertions formerly refuted, and made them the ground of a long train of reaſoning; and advanced many new poſitions equally untenable, but equally capable, if left undetected and unexpoſed, of miſleading the mind. Theſe aſſertions, which the gentleman from Pennſylvania has not attempted to prove, though they are the ground-works of all his reaſonings, were advanced with a boldneſs which nothing but a belief that he was to remain unanſwered, could have produced. His ſpeech, when prepared in his cloſet, was evidently intended for a concluding ſpeech; and hence he has laid down poſitions which he knew to be unſounded, with a boldneſs whereof even he himſelf has heretofore exhibited no example. On theſe poſitions, he has built a gigantic ſtructure of argument to ſupport the preſent motion; a ſtructure which, like a vaſt edifice reſting on looſe blocks, muſt fall and crumble in the duſt, as ſoon as ſome perſon ſhall take the trouble to diſcover and knock away its frail and temporary props.

It is for this purpoſe, that I now riſe once more to treſpaſs on the indulgence of the committee. The looſe blocks which ſupport this edifice I mean to knock away; an operation which requires neither ſtrength nor ſkill, which may be performed by any perſon who ſtands near enough to diſcover the defect; and then it will be ſeen with what ſpeedy ruin a ſtructure ſo large, and appearing ſo ſolid, when viewed from a diſtance, will tumble to the earth.

Though called up, however, Mr. Chairman, by the aſſertions of the gentleman from Pennſylvania, I ſhall not confine myſelf wholly to them, but ſhall incidentally notice ſuch obſervations of other gentlemen as may appear reducible to any head of argument. There are ſome parts of the laſt ſpeech of the gentleman from Virginia (Mr. Nicholas) on which, though they appear to have no neceſſary connection with the ſubject, I cannot omit to make ſome animadverſions. Thoſe I ſhall, in the firſt place, ſubmit to the committee, and then proceed to other and more important parts of the diſcuſſion.

The gentleman from Virginia (Mr. Nicholas) perhaps foreſeeing that ample retribution of praiſe which he has ſince received, employed a conſiderable part of his laſt ſpeech in a moſt pompous panegyric on his friend from Pennſylvania (Mr. Gallatin). Had he ſtopt here, Mr. Chairman; had he contented himſelf with extolling the virtues and talents of his friend and political aſſociate, even at the expenſe of every body elſe, I ſhould have been diſpoſed to paſs it by unnoticed. The gentleman from Virginia, no doubt, entertains this exalted opinion of his friend from Pennſylvania, and I ſhould never deny him the right, or grudge him the pleaſure of expreſſing it; nor have I any diſpoſition to detract from the merit of the gentleman from Pennſylvania, or diminiſh the reputation which he may be ſuppoſed to poſſeſs. But the gentleman from Virginia did not ſtop here. Not content with extolling his friend above all that is great and diſtinguiſhed in the country, he went on to impute the worſt of motives, the moſt baſe and contemptible paſſions, to

thoſe who do not partake in his enthuſiaſtic admiration. He told us that frequent attacks were made, in this Houſe, on the gentleman from Pennſylvania, and that thoſe attacks proceeded from envy of his ſuperior talents, were a tacit acknowledgment of that pre-eminence of ability, which every day's debate rendered more and more conſpicuous.

Mr. Chairman, I might, I know, be excuſed from taking any part of this obſervation to myſelf perſonally; for it will be remembered that I have made none of thoſe attacks which are ſpoken of on the gentleman from Pennſylvania. Perhaps this has been becauſe I have, for my part, never felt that ſuperiority, never perceived that pre-eminence, from which the attacks are ſuppoſed to proceed. That the gentleman from Pennſylvania has merit no body will deny, and no body can be leſs diſpoſed to deny it than me; but I confeſs that I have never obſerved that ſuperiority over many other members of this Houſe, much leſs over all, whereby the gentleman from Virginia has been ſo much dazzled. And I would remind that gentleman, that all greatneſs is by compariſon, and that the compariſon, in caſes of this kind, is generally made, not between a man and his antagoniſts, but between him and his aſſociates. Even a ruſh-light may ſeem a reſplendent luminary, when compared to a glow-worm; and in a dark room, the ſmalleſt ſpark becomes bright and diſtinguiſhed. I would ſubmit it to the gentleman from Virginia, whether he has not committed ſome miſtake of this kind. Amidſt the thick gloom that is obſerved to reſt on a certain deſcription of perſons, a certain claſs of political opinion, in this country, I will not ſay in this Houſe, is it to be wondered at, if the glimmerings of ſenſe and capacity which are ſometimes emitted from that quarter by the gentleman from Pennſylvania, ſhould dazzle the eyes of his aſſociates? But they muſt not judge of the eyes of the community by their own eyes, nor conclude that the brightneſs of the ſun is to be found in thoſe flaſhes of light which, undiſcernable amidſt the full blaze of day, are indebted for all their apparent reſplendency to the blackneſs of that night from whoſe boſom they are ſent forth. Let me adviſe the gentleman from Virginia, Mr. Chairman, to forbear his panegyrics. They produce no effect on the deciſion of the American public, before which the gentleman from Pennſylvania, with his aſſociates, and his opponents, ſtands to be judged. This judgment will be formed on better premiſes than the panegyrics or the invectives pronounced in this Houſe. It will place the gentleman from Pennſylvania, and thoſe who appear with him on the political ſcene, in their true poſitions; it will not only be impartial, but final and concluſive; and to it all of us, whatever we may think or ſay of ourſelves, or of each other, muſt implicitly ſubmit.

The gentleman from Virginia, having paid this large tribute of flattery to his friend from Pennſylvania, who, to do him juſtice, has not been unmindful of the proper retribution, went on to ſelect from among his political aſſociates another object of enthuſiaſtic adulation, whom he has extolled in terms ſtill more extravagant, and with alluſions ſtill more offenſive. I mean, Sir, the late miniſter to France; and as I ſhall have occaſion to make ſome obſervations, of no very

flattering nature, on the conduct of that gentleman, I beg leave to remark, in the first place, that for any thing which I may say here, I shall not claim the protection of my seat, or shelter myself under its privileges.

The gentleman from Virginia has represented the talents and accomplishments of this person, the late minister to France, as so pre-eminently superior, not only to the distinguished character (General Pinckney) who was sent to succeed him, but to every other character in this country, to any person who might have been sent; his qualifications as so extraordinary, his services as so great, and his conduct as so exemplary, that his recal could be considered in no other light than as the act of an *assassin*. Yes, Mr. Chairman, the gentleman from Virginia has declared that the recal of the late minister to France was the act of an *assassin*. And who is this assassin? It is Washington; for by Washington this minister was recalled; and for this exercise of his constitutional powers as President, he is branded by the gentleman from Virginia with the name of *assassin*.

Mr. Chairman, were I to give way to the feelings which naturally arise in the breast of an American at hearing the epithet *assassin* affixt to the name of Washington, I should apply expressions to the gentleman from Virginia little suitable to the dignity of this place, and little consonant with the respect which I entertain for his personal character. But I will repress them; and instead of giving vent to a just and natural indignation, I will content myself with repelling this rude, this unlooked-for attack, upon the administration of this government and its late venerable and illustrious chief.

This I am fortunately enabled to do in a manner the most easy and complete; for the late minister to France has written a book. "*Oh that mine enemy might write a book!*" was the affecting exclamation of a virtuous and suffering man of old, unjustly accused, but conscious of rectitude, and wishing ardently for an opportunity of confounding his accusers out of their own mouths! "*Oh that mine enemy might write a book!*" ought also to be the exclamation of the American government; which, to use the expression of its late illustrious chief, "requires nothing but a knowledge of the truth to justify its mea-"sures, and cannot but be desirous of having this truth frankly and "fully displayed." The American government has been more fortunate than Job. His enemies wisely confined themselves to the strong holds of dark, vague and general abuse. They practised the "*Ambiguas in vulgum spargere voces*" of the poet, and wisely avoided the open field of facts and specific accusations. But not so the late minister to France. Prompted by that restless vanity for which demagogues of an inferior order are always remarkable, he has rashly and foolishly challenged his enemy to combat on the open plain of dates and facts, and has written a book. In this book is to be found the most complete justification of the Executive for his recal, in every respect except that it was so long delayed; for the book contains the most singular display of incapacity, unfaithfulness and presumption, of neglect of orders, forgetfulness of the dignity, rights and interests of his own country, and servile devotedness to the government of the country to which he was sent, that can be found in

the hiſtory of diplomacy. In this book it appears that the late miniſter to France, took every occaſion of thwarting the views of the government by which he was ſent, that he forebore to do much that he was ordered, and did much that he was expreſsly forbidden; that he, in all caſes, ſet up his own judgment above the judgment of his government; that he aſſured France, "that this country was ready "to ſubmit to any violation of its rights, to any infractions of its "treaties which ſhe might think fit to practiſe, and that if ſhe "thought theſe violations and infractions advantageous to herſelf "ſhe ought to perſiſt in them, for in that caſe we ſhould not only "ſubmit, but acquieſce with cheerfulneſs and pleaſure:" that he made a direct attempt to render this country tributary to France, in order to gain her aſſiſtance for accompliſhing, by force, objects which our government was then ſtriving to accompliſh, and actually did accompliſh by amicable negociation: that he did every thing in his power to involve this country in the war againſt England, purſuant to the wiſhes and policy of France, and directly contrary, not only to what he knew to be the deſire and determination of our government, but to the expreſs letter of his inſtructions. All this, Mr. Chairman, appears from this book, and it is but a ſmall part of the catalogue which might be preſented. The book lies before me; its diſguſting pages I will not open to the Houſe; the members no doubt have peruſed it, and to their own recollection I refer for the proof of all that I have advanced. The late miniſter to France ſtands ſelf-convicted of every thing ſhort of ſelling his country for a price. Of this I do not accuſe him, but nothing elſe, which his incapacity permitted him to do, has he left undone.

And this, Mr. Chairman, is the man, for recalling whom the epithet of aſſaſſin is applied to the name of Waſhington!

[Mr. Nicholas explained, by ſaying, that he had ſaid, "that after "the full diſcloſure of the conduct of Mr. Monroe, he was ſorry to "find that gentlemen thought it neceſſary to make inſinuations "againſt him; but that ſince gentlemen made it neceſſary to give an "opinion on the ſubject, he had no heſitation in declaring, that, "in his opinion, the publication had proved that it was in the "power of the Executive to have preſerved peace with France, but "that they had wantonly thrown it from us. He ſaid he was con-"vinced, that the diſcovery was a very unpleaſant one to gentlemen "who had advocated certain meaſures; but he thought it could not "be condemned after the attacks made on that gentleman; and that "the effect was like the wounds of the aſſaſſin, who finds his enemy "unexpectedly prepared."]

I do not think, (continued Mr. Harper) that the gentleman from Virginia has made the matter better by his explanation. It appears by that very explanation, that he did apply the term *aſſaſſin* to General Waſhington for having recalled the late miniſter to France; a term which, ſome years ago, ſurely could not have been expected ever to be applied to that name within the United States, much leſs within theſe walls.

I muſt beg leave, Mr. Chairman, to conclude theſe remarks with the declaration wherewith I began them, that I do not intend to

ſhelter myſelf under the privileges of my place for any thing that I have ſaid on this ſubject. If the remarks which I have made on his friend ſhould appear harſh to the gentleman from Virginia, let him recollect that he himſelf provoked and gave occaſion for them, by declaring that General Waſhington had acted the part of an *aſſaſſin*.

Having diſpoſed, Mr. Chairman, of this part of the ſubject, I will next advert to the conſtitutional ground taken by the gentleman from Pennſylvania (Mr. Gallatin). That gentleman prefaced his obſervations, by declaring that the amendment under conſideration went no further than to reduce the ſalaries of certain miniſters plenipotentiary from 9000 to 4500 dollars; but, unfortunately, he forgot his tenet before he arrived at the middle of his ſpeech, for he ſoon confeſſed that the object of the amendment was to reſtrain and control the Executive in the exerciſe of the power of appointing foreign miniſters, which is veſted in it by the conſtitution, and having made this acknowledgment, ſo contradictory to his firſt poſition, the gentleman from Pennſylvania proceeded to ſhew, by the utmoſt exertion of powers, that it was right and proper for the Houſe thus to interfere, thus to control the Executive, and to uſe its power over appropriations, for effecting that purpoſe. Indeed the gentleman from Virginia (Mr. Nicholas) at the outſet of the buſineſs, expreſsly ſtated this to be the ſole object of his amendment. With a candour and openneſs characteriſtic of his uſual conduct, he avowed that his object was not to ſave money, but to reſtrict the Preſident in the exerciſe of this power. He told us that the diplomatic corps had been improperly encreaſed; that the number of miniſters had been improperly extended; that there was danger of a further extenſion, whereby a dangerous executive influence in the Houſe was likely to be produced; and that it was right for the Houſe to interfere, prevent this extenſion, and bring back the eſtabliſhment to its original limits; and this he ſtated to be the object of his amendment. Hence, then, Mr. Chairman, it is manifeſt, not only from the arguments of the gentleman from Pennſylvania, but from the expreſs declaration of the mover of this amendment himſelf, that the queſtion now agitated, is a queſtion of power, and not a queſtion of money. It is manifeſtly not a queſtion to know whether a miniſter plenipotentiary ſhall have this, that, or the other ſalary, but whether this Houſe ſhall direct the Preſident where he ſhall appoint miniſters plenipotentiary, where miniſters reſident, and where no miniſters at all. The queſtion goes this whole length; for if the Houſe can ſay, as the amendment declares it can and ought, that no miniſter plenipotentiary is neceſſary at Liſbon or Berlin, it can ſay, with the ſame propriety, and on the ſame principles, that no miniſter plenipotentiary is neceſſary at London, Paris or Madrid, or that no miniſter is neceſſary any where.

That ſuch is the object of the amendment, that the queſtion between us is a queſtion of power, and not of money, is further evident from the mode of argument whereby the amendment is ſupported. Gentlemen do not pretend that 9000 dollars is too much for a miniſter plenipotentiary at Liſbon or Berlin, on that ground we ſhould chearfully meet them, and agree to a reduction of the ſalary,

if it ſhould appear to be too high ; but they tell us, and attempt to prove, that there is no need of a miniſter plenipotentiary at Liſbon or Berlin. In anſwer, we alledge, that by the Conſtitution, the Preſident and Senate are ſolely authorized to judge where miniſters of this, that or the other grade ought to be employed, and that this houſe has nothing to do with the buſineſs but fix their ſalaries, which it is bound to do in a ſuitable manner. This gentlemen deny ; and thus the queſtion of power, the ſole queſtion which has been agitated, or is conſidered of any importance, ariſes between us.

I ſay " the only queſtion which is conſidered as important ;" becauſe the ſupporters of the amendment have laid no ſtreſs whatſoever on the queſtion of expence. They have, on the contrary, ſhewn themſelves ready to abandon it, for the ſake of gaining the leaſt additional chance of ſupport in the great queſtion, the queſtion of power. This is manifeſt from the motion of the gentleman from Maryland (Mr. S. Smith) which was immediately agreed to by the mover of the amendment. By the amendment, as firſt propoſed, miniſters plenipotentiary were to be allowed only at London and Paris. The gentleman from Maryland propoſed, to allow one at Madrid alſo, becauſe he had obſerved that the impropriety of recalling our miniſter from that Court had been particularly inſiſted on by ſome who oppoſed the amendment. The gentleman from Virginia immediately conſented to modify his amendment, ſo as to leave a miniſter plenipotentiary at Madrid. From which it would appear moſt evidently, if we did not know it before, that gentlemen care not how many miniſters plenipotentiary there are, nor how much money is ſpent in maintaining them, provided the Houſe of Repreſentatives can obtain the power of controlling and directing the appointment. It is to obtain this power, and not to ſave public money, that gentlemen ſtruggle ; and provided the principle can but be eſtabliſhed, they are content to have miniſters plenipotentiary as many as any body pleaſes ; for they know that the principle may be as completely eſtabliſhed in the caſe of one miniſter, as by turning out the whole diplomatic corps.

And notwithſtanding all this, the gentleman from Pennſylvania (Mr. Gallatin) tells us that this is merely a queſtion about ſalaries, a queſtion of ſaving 9000 dollars, and wonders how it could lead to a controverſy about the conſtitutional powers of the Preſident and the Houſe ! This proves that the gentleman from Pennſylvania intended his ſpeech for a concluding ſpeech, or that he entertains a moſt contemptuous opinion of the underſtanding of the Houſe.

I ſhall, therefore, Mr. Chairman, conſider this amendment as having for its object, and its ſole object too, the eſtabliſhment of this principle : " that the Houſe of Repreſentatives, by its power " over appropriations, has a right to control and direct the Execu- " tive in the appointment of foreign miniſters." I ſhall treat the queſtion which ariſes upon this amendment, as a queſtion of power between this Houſe and the Preſident and Senate, and I ſhall endeavour to ſhew that the amendment, if carried, would be a direct

breach of the conſtitution, an alarming uſurpation by this branch, on the conſtitutional powers of the Executive department.

The ſupporters of this amendment, avowing its object to be the eſtabliſhment of a control over the appointment of foreign miniſters, contend that this Houſe have a right to exerciſe that control, and rely on that part of the Conſtitution which provides that "no money ſhall be iſſued from the treaſury without an appropriation by law," As this Houſe, ſay gentlemen, muſt concur in paſſing all laws, it follows that it may refuſe its aſſent to appropriations. In judging whether it will give or refuſe this aſſent, it muſt be guided ſolely by its own diſcretion, by its own opinion about the neceſſity or utility of the object for which an appropriation is wanted. If it ſhould think this object unneceſſary, or hurtful, it is bound in duty to withhold the appropriation. Conſequently, it may refuſe to appropriate for a miniſter to Liſbon, Berlin, or any other place, if it ſhould think ſuch miniſter, though appointed by the Preſident and Senate, unneceſſary or injurious. This I take to be a fair ſtate of the argument.

But gentlemen while they lay ſuch ſtreſs upon this part of the Conſtitution, ſeem entirely to forget another part, that part which provides that "the Preſident, by and with the advice and conſent "of the Senate, ſhall appoint foreign miniſters and conſuls." It will, however, be admitted, that theſe two parts of the Conſtitution are equally authoritative, and muſt both have effect; that the whole inſtrument, like all other inſtruments, muſt be taken together, and ſo conſtrued that none of its proviſions may be defeated or rendered nugatory. Theſe two powers, therefore, the power of appointment in the Preſident and Senate, and the power of appropriation in the Houſe, muſt be reconciled to each other; muſt be made to act as mutual helps, not as mutual obſtructions. How is this to be done? Certainly not by admitting the doctrine of this amendment, which would utterly deſtroy one of the powers; would give the houſe an abſolute control over the appointment of miniſters, and reduce the Preſident and Senate to the mere power of making a nomination, which the houſe might refuſe or agree to, according to its good pleaſure. This is the plain and neceſſary conſequence of admitting the principle, contended for in ſupport of this amendment, that the houſe, when called on to appropriate for an officer, legally appointed, may, in the firſt place enquire, whether the appointment is neceſſary.

Some other way of reconciling theſe powers, muſt therefore be found out; and which is it? We contend, Mr. Chairman, that it is thus. An office muſt firſt be authoriſed by law; for nobody pretends that the Preſident and Senate can create offices. When the office is thus authoriſed, the Preſident and Senate exerciſe their power of appointment, and fill the office. The Houſe of Repreſentatives then exerciſes its conſtitutional power over appropriations, by providing an adequate compenſation for the officer. In the exerciſe of this power, they cannot enquire whether the office was neceſſary or not; for that has already been determined by the law which authorized it. Neither can they enquire whether the office

was properly filled ; for that would be to invade the powers of the Preſident and Senate, to whom, by the conſtitution, the right of chuſing the officer is excluſively referred. What then is their power, and into what may they enquire? They may enquire what is a proper and adequate compenſation for ſuch an officer? They may fix the amount of his ſalary : and in fixing it, they muſt be guided by a proper diſcretion ; by a ſenſe of duty ; by the nature of the office, the circumſtances of the country, and the public ſervice. Thus the conſtitution would be reconciled, and each department would act within its proper ſphere. The Preſident and Senate could make no appointment till the office ſhould be authoriſed by law, conſequently there would be no danger of abuſe. When they had made the appointment, they could not fix the amount of ſalary, or order the money to be paid out of the treaſury ; another guard againſt the danger of abuſe. When the appointment ſhould be duly made, the houſe, on the other hand, would be bound to provide an adequate ſalary ; and could not, by refuſing it, defeat the law and the appointment, becauſe they might think the one unneceſſary, or the other unwiſe, and this principle would be a guard againſt any abuſe of the powers of the houſe : would prevent it from invading the province of the other departments, and ſubverting the principles of the conſtitution.

Had gentlemen confined themſelves within theſe limits, had they carried their enquiries no farther than to the adequacy of this or that ſalary, this debate would never have exiſted. We ſhould have met them on the ground of ſufficiency of ſalaries, without any reference to conſtitutional points, or contention about conſtitutional powers. But this was not their conduct. They expreſsly declared, not that the ſalaries were too high, and ought to be reduced, but that the appointments themſelves were unneceſſary, and ought to be abridged; and thus they drove us into the conſtitutional queſtion, and compelled us to defend the Executive powers againſt their attacks in this houſe.

But, ſay gentlemen, is the houſe always bound to appropriate? If the Preſident ſhould appoint an hundred miniſters plenipotentiary, muſt the houſe, without enquiry, give money to ſupport them all? What guard would there then be, they exclaim, againſt an enormous and abuſive extenſion of the diplomatic eſtabliſhment?

To this I anſwer, Mr. Chairman, in the firſt place, that we have a ſecurity in the reſponſibility of the Preſident. He is elected by the people ; and elected every four years. All theſe appointments, tho' ſanctioned by the Senate, muſt originate with him : and therefore he is particularly, and almoſt ſolely, reſponſible. His character is at ſtake. He is a ſingle actor on a moſt conſpicuous theatre ; and all eyes are upon him. He is watched with all the jealouſy, which, in this country particularly, is entertained of Executive power. He is watched by the gentlemen themſelves who ſupport this amendment, and who are ſufficiently prone to find fault with him and abuſe him, even when he acts properly. This he well knows, and conſequently will take care to do nothing which may ſtrengthen their hands, by giving them ground for cenſure. Should he act improperly, make

fooliſh or unneceſſary appointments, he muſt diſguſt his friends and ſupporters, forfeit the public eſteem, and loſe his election. He may be even turned out by impeachment before the time for a new election arrives. Theſe, I apprehend, are ſufficient ſecurities againſt wanton miſconduct.

I anſwer, in the next place, that if the Preſident ſhould think fit to abuſe his powers, it is his own concern, and no buſineſs of this houſe, unleſs, indeed, we chuſe to impeach him. We are ſent here by the people, to exerciſe our own powers, and not to watch over the Preſident; who, equally with us, derives his powers from the people, and is amenable to them, and not to this houſe, for the exerciſe of thoſe powers. We may, indeed, as individuals, cenſure his conduct, as we may that of any member on this floor, and endeavour to prevent the people from re-electing him; but, as a body, we have nothing to do with him, or his conduct, but impeach him. If he propoſes meaſures to us which we do not approve, we may reject them; in the ſame manner as he may reject bills which we ſend up to him: but we have no more right to prevent him, either directly or indirectly, from making ſuch appointments as he pleaſes, than he has to prevent us from paſſing ſuch votes or reſolutions as we pleaſe. The interference in one caſe is equally unconſtitutional as in the other. It has, indeed, become faſhionable, with ſome gentlemen on this floor, to conſider this Houſe as "the people," and to ſpeak and act as if the people had delegated to us their general ſuperintending power over the other departments: but this doctrine is unknown to the conſtitution, to the utter ſubverſion of which it directly leads. It directly leads to that concentration of powers in one popular body, which it was the main object of the conſtitution to prevent, and which it was and is the main object of thoſe gentlemen to introduce: that concentration whereto this amendment is conſidered and intended, by its ſupporters, as an introductory ſtep.

I anſwer, in the laſt place, Mr. Chairman, that if the Preſident ſhould appoint an hundred miniſters plenipotentiary, or commit any other ſuch wanton and fooliſh abuſe of his power, it would be an extreme caſe, which would ſpeak for itſelf, and dictate the line of conduct which this Houſe and the country ought to purſue. But we never can legiſlate on extreme caſes. They muſt be left to ſuggeſt and provide their own remedies, when they occur. Suppoſe two-thirds of both Houſes, under the influence of ſome unaccountable madneſs, ſhould paſs a law, in ſpite of the Preſident, for building fifty ſhips of the line, to be given to France in order to augment her navy, or for any other violent purpoſe, how ought the Preſident and the country to act? I do not know: theſe would be extreme caſes, and they would carry their own evidence, and the indication of their own remedies, with them. We may as well ſuppoſe extreme caſes of one kind as of another; and however our own ſelf-love may induce us to think that there is leſs danger from us than from the Preſident and Senate, and that power, however dangerous in their hands, is perfectly ſafe as ſoon as it comes into ours, the conſtitution, and the framers of it, judged otherwiſe, and they judged rightly. It is infinitely more dangerous in our hands, when uncontrolled; be-

cauſe we have leſs perſonal reſponſibility, and are far more liable to the influence of paſſion. When, therefore, theſe extreme caſes occur, we will act accordingly, and ſhould they obviouſly require the breach of a law, the neceſſity will be univerſally felt and acknowledged, and we muſt break it. All that I contend for is, that the preſent is not an extreme caſe, and that theſe appointments being authorized by law, a law muſt be broken before we can defeat the appointments, according to the avowed object of this amendment. I contend that when we undertake to defeat theſe appointments, we muſt conſider them as authorized by law, as much as the appointment of a Judge, or a Secretary of the Treaſury; and muſt enquire whether the motives are ſufficiently urgent, the caſe ſufficiently extreme, to induce the neceſſity of breaking a law. This is denied by gentlemen who ſupport the amendment. They contend that theſe appointments of foreign miniſters are not to be conſidered as completely authorized by law; and conſequently that the Houſe may withhold the appropriation without breaking any law. This is the very point in diſpute; and to this point I ſhall direct ſuch remaining obſervations as ſeem neceſſary to be made on the conſtitutional queſtion.

The queſtion then is, Mr. Chairman, from what ſource is the office of miniſter plenipotentiary, or any other foreign miniſter derived? The officer, we well know, muſt be appointed by the Preſident and Senate; but the office and the officer are diſtinct things; and before an officer can be appointed, an office muſt exiſt; unleſs gentlemen are diſpoſed to admit, as I certainly am not, that the Preſident and Senate can create offices. The gentleman from Pennſylvania (Mr. Gallatin) well aware that if the office of foreign miniſter could be conſidered as legally exiſting previous to the appointment by the Preſident and Senate, and independently of it, the concluſion which we contend for would irreſiſtably follow, has denied this poſition; has denied that the office of foreign miniſter becomes a complete and legal office as ſoon as the officer is appointed by the Preſident and Senate.

[Mr. Gallatin explained. He had aſſerted, he ſaid, the very contrary; and had admitted, though he conſidered it as a diſputable point, that the office was like that of a Judge, and became complete on the appointment by the Preſident. But he had denied that the Houſe was bound to appropriate for the officer.]

(Mr. Harper continued) I know, Mr. Chairman, what the gentleman denied and what he admitted; and it appears by his explanation, that I was right in my firſt ſtatement. The gentleman contended, and that was the leading point of his argument, that the office of foreign miniſter was derived from the appointment of the Preſident; and why did he contend for this? Becauſe he knows that the Preſident cannot erect offices; and conſequently if the office of foreign miniſter had no other origin than the appointment of the Preſident, it could not be conſidered as a legally exiſting and complete office, until this Houſe had concurred in it. This was the ſcope and object of the gentleman's argument, and hence his ſolicitude to eſtabliſh the poſition, that the office of foreign miniſter ori-

ginates in the appointment of the Preſident. He ſaid, indeed, that he would admit theſe offices to be analogous to thoſe of Judges; but he immediately denied it again, by denying that the Houſe was bound by any law to appropriate for theſe offices, as they evidently are for Judges; and in denying this, he denied every thing. The gentleman admitted, in form, but denied in ſubſtance, and contended for principles directly at war with his ſeeming admiſſion. Theſe are complete offices, according to the gentleman, but they were derived from no legal authority, nor is the Houſe bound by any law to appropriate for their ſupport. That is, they are legal and they are not legal; they are offices, and they are not offices; and that is the amount of the gentleman's admiſſion and of his explanation. Thus he told the Houſe, on a former occaſion, that he did not diſpute the power of the Preſident and Senate to make treaties; he only contended that thoſe treaties, when made, were not binding till the Houſe had concurred in them by granting appropriations: in other words, that the Preſident and Senate could *make* treaties, which, however, though *made*, were in fact not treaties till ratified by the Houſe; that is, that there might be treaties, which were not treaties. This was the ſubſtance and amount of that gentleman's reaſoning on a former occaſion; and it exceedingly reſembles his preſent argument, as juſt now explained by himſelf.

The queſtion, therefore, between the gentleman from Pennſylvania and us, is whether the office of foreign miniſter be derived from the appointment of the Preſident and Senate, concurred in by this Houſe; or whether it muſt be traced to a higher origin, and conſidered as completely exiſting before the appointment takes place, in the ſame manner as the office of Secretary of the Treaſury, or of State, which completely exiſted as ſoon as the law was paſſed eſtabliſhing thoſe departments, and before any officer was appointed? We contend for the latter doctrine, and the gentleman from Pennſylvania for the former. If he be right, it follows that the appointment is incomplete until this Houſe gives its ſanction; for we well know that the Preſident and Senate cannot of themſelves create an office. If we be right, it follows, that as ſoon as an appointment is made to fill this office, this Houſe is legally bound to ſupply an adequate ſalary, in the ſame manner as for any other office created by law.

There are two modes, Mr. Chairman, by which an office may exiſt; either by law, or by the conſtituton; and from one or the other of theſe ſources the office of foreign miniſter muſt be derived. It is not derived from the Conſtitution, like the office of Preſident, Vice-Preſident, or Speaker of the Houſe; for the conſtitution ſpeaks of it as already in exiſtence. The conſtitution does not ſay there ſhall be foreign miniſters, and then go on to direct how they ſhall be appointed, as in the caſe of Preſident; but conſidering the office as already exiſting, it merely directs how it ſhall be filled. "The Preſident, it ſays, by and with the advice and conſent of the Senate, ſhall appoint foreign miniſters and conſuls." Unleſs, then, gentlemen are diſpoſed to deny that there were foreign miniſters previous to the conſtitution, they cannot contend that the

office of foreign minister is derived from the constitution. It must, therefore, be derived from the law.

But from what law? Not from any act of Congress; for we know that there is no such act. Congress has never done any thing more than to fix salaries for foreign ministers, and vote money to pay them: And besides, the constitution, which is previous to all acts of Congress, recognizes the office of foreign minister as already existing, and directs in what manner the appointments to fill it shall be made. From what law, then, is this office derived? Mr. Chairman, it is derived from the law of nations.

In every civilized state there are two sorts of law, derived from two distinct sources; the municipal law, and the law of nations. The law of nations, deriving its origin and its force from the consent of nations themselves, mutually given to each other, is independent of their municipal laws, which have relation to their own internal affairs, and depend upon the acts of their respective governments. The municipal laws of the United States consist in our acts of Congress, and are derived from the authority given by the constitution. The law of nations, as it respects us, has a higher origin, and became binding on us from the moment when we erected ourselves into an independent state, and entered into the pale of civilized nations. We then gave our consent to that law, when we began to send and receive ambassadors, and to form treaties with other powers. This law, then, became binding on us by our own consent and our own acts, and this law establishes the office, regulates the duties, and defines the privileges of foreign ministers. That office, consequently, was established among us, as soon as we submitted ourselves to the law of nations. Accordingly we had foreign ministers before we had a President, before we had a Congress, and before we had a constitution. Even before the first articles of Confederation were entered into, we considered this office as existing; for those articles do not establish the office, but merely declare how it shall be filled, by whom foreign ministers shall be sent, by whom they shall be appointed.

The gentleman from Pennsylvania, indeed, has told us that the office of foreign minister originated in the appointment of the president and Senate. But where did that gentleman learn that the President and Senate can create or originate offices? He has said, that the office becomes compleat when sanctioned by an appropriation in this House. But all offices not existing by the constitution, must be created by law; and where did he learn that this House could concur in a law, by any other means than having a bill before them and passing it with the usual forms? Where did he learn that this House could, in this indirect way, by voting a sum of money, legalize an act not otherwise legal, and give the force of a law to what otherwise would not be a law? The gentleman has neither learned this in the constitutien, nor in the proceedings of the House; but though we know not where he learned it, we are well apprized of the purpose for which he introduced it here. That purpose I have already explained.

It being manifest, then, Mr. Chairman, that the office of foreign minister is established by the law of nations, it only remains to en-

quire whether that law is complete and binding. Can there be a doubt that it is ſo within its proper ſphere? Do not our courts of juſtice acknowledge its exiſtence, and yield to its authority as to all objects on which it is calculated to act? Is any aid required from acts of Congreſs or other municipal laws, in order to give it efficacy? Certainly not. Theſe two kinds of law, the law of nations and the municipal law, are each ſupreme in their reſpective ſpheres. They operate, indeed, upon different objects, and are executed in different modes; but each is complete in its operation. From hence it reſults that an office exiſting by the law of nations, has an exiſtence as completely legal, as one which exiſts by act of Congreſs: that the office of foreign miniſter is as much a legal office, exiſts as much by the laws of this country, as the office of Chief Juſtice, or Secretary of State; and that when one of theſe offices is filled by the appointment of the Preſident and Senate, the Houſe is under as complete a legal obligation to provide an adequate ſalary for it, as for the other. This Houſe can no more ſay this, that, or the other miniſter plenipotentiary is unneceſſary, and we will not provide for him, than it can ſay, a Chief Juſtice, or a Secretary of State, is unneceſſary, and we will not provide for him. It would as much be guilty of a violation of law in one caſe as in the other.

But, Mr. Chairman, if theſe concluſions, and the premiſes whereon they are founded, ſhould be erroneous, if the doctrines of the gentleman from Pennſylvania ſhould be correct, ſtill this amendment cannot be ſupported. It is in direct contradiction with the principles whereon its ſupporters rely, and is refuted by the very arguments adduced to defend it.

What is the doctrine of the gentleman from Pennſylvania? That the office of foreign miniſter originates with the appointment of the Preſident, and becomes completely eſtabliſhed when this Houſe has ſanctioned it by an appropriation. I ſtate this to be his doctrine though he did not lay it down in theſe expreſs words: This is the ſubſtance, for otherwiſe he muſt admit, in direct contradiction to his whole argument, that the office not only originates, as he ſays, but alſo becomes complete, by the appointment of the Preſident and Senate: in other words, that the Preſident and Senate can create offices. When the gentleman from Pennſylvania, therefore, told us, that although the office of foreign miniſter originates with the appointment of the Preſident and Senate, yet the Houſe is not bound to appropriate a proper ſalary, as he admits it to be bound in caſe of an office erected by law; the office of Chief Juſtice, for inſtance, he told us, in ſubſtance, that this office, though originating with the appointment of the Preſident and Senate, remained *inchoate*, did not become a complete and legal office, till ſanctioned by an appropriation in this Houſe. This, Mr. Chairman, is the true doctrine of the gentleman from Pennſylvania; and it is preciſely analogous to his doctrine of *inchoate treaties*, about which we heard ſo much on a former occaſion. His doctrine about treaties was this; that a treaty, though made by the Preſident and Senate, is but an *inchoate* act, till completed by the aſſent and ſanction of this Houſe. The Houſe, he ſaid, was in no wiſe bound

to give this aſſent; but when it ſhould be given, the treaty would then become complete. Accordingly, after this Houſe had aſſented to the Britiſh treaty, by paſſing an appropriation for carrying it into effect, that gentleman told us that the treaty was complete, and had become as much the act of this Houſe as of the Preſident and Senate. This poſition he has repeated more than once; and in the debates on the Preſident's ſpeech, during the ſummer ſeſſion, he laid it down in the moſt emphatic manner. I preſume, Mr. Chairman, that an "inchoate office" is like an *inchoate treaty*, and may become perfect in the ſame manner. The gentleman admits, nay contends, that what he calls an *inchoate* treaty, becomes perfect and binding, to all intents and purpoſes, on this Houſe, and every body elſe, as ſoon as the Houſe gives its ſanction by an appropriation. Hence it irreſiſtibly follows, that this *inchoate office* of foreign miniſter, this office originating, according to the gentleman from Pennſylvania, in the appointment of the Preſident and Senate, but not binding on the Houſe, and therefore not complete, muſt become completeand binding from the moment when it receives the ſanction of the Houſe. If not, it never can be complete and binding; muſt always remain an inchoate thing, which would be a moſt manifeſt abſurdity.

If, therefore, the ſanction of the houſe can legalize and complete that office of foreign miniſter which originates in the appointment of the Preſident, this ſanction has already been given, and theſe offices of miniſter plenipotentiary to Liſbon and Berlin, which it is the object of this amendment to deſtroy, have already been legalized and completed by the aſſent of this houſe. They are, conſequently at this time, according to the principles of gentlemen themſelves, completely legal offices; as much ſo as thoſe of Preſident, Chief Juſtice, or Secretary of State; and theſe gentlemen, in attempting to deſtroy them, by withholding an appropriation, are guilty of as direct, and as great an infraction of the law and the Conſtitution, as if they were to attempt to drive the Preſident of the United States from his office, by refuſing the annual appropriation for payment of his ſalary. An office muſt either be legal or not legal. If legal, it is equally binding, in whatever mode it became ſo, whether by the law of nations, an act of Congreſs, or the appointment of the Preſident and Senate, ſanctioned by this houſe; and there exiſts the ſame obligation on the houſe to provide an adequate ſalary in one caſe as in the other.

Will gentlemen aſk when theſe offices of miniſter plenipotentiary to Liſbon and Berlin, received the ſanction of this houſe? Leſt they ſhould have forgotten, I will tell them. The firſt received it in May 1796, and the ſecond from this preſent Congreſs, in June, 1797. It will appear by a reference to the files of the houſe, that on the 28th of May 1796, the Preſident of the United States ſent a meſſage to the houſe informing it that he had appointed miniſters plenipotentiary to Madrid and Liſbon, inſtead of miniſters reſident, and that this augmentation of the grade would require an additional appropriation. In conſequence of this meſſage, a bill was paſſed on the fifth of June following, by which the neceſſary appropriation was made. Thus the

office of miniſter plenipotentiary to Liſbon received the expreſs ſanction of this houſe.

Surely we cannot have forgotten what paſſed in this houſe laſt June, during the firſt ſeſſion of this Congreſs. We were informed by the eſtimates from the department of ſtate, that 13,500 dollars would be wanted for the ſalary and outfit of a miniſter plenipotentiary to Berlin. A bill was brought in containing this appropriation. The appropriation was oppoſed; but, after full diſcuſſion, it was carried, by a great majority, and the bill paſſed. Thus the office of miniſter plenipotentiary to Berlin received the expreſs ſanction of this preſent Houſe of Repreſentatives.

If theſe offices, therefore, were *inchoate* before, according to the doctrine of the Gentleman from Pennſylvania, they became complete, on his own principles, as ſoon as theſe appropriations were conſented to by this houſe; for he has told us over and over, that an *inchoate* treaty becomes complete as ſoon as this houſe gives its aſſent by an act of appropriation; and, by the whole tenor, and the very terms of his argument, he places an inchoate treaty and an inchoate office, on the ſame footing: Conſequently, he is now bound to appropriate for this office as much as he admits himſelf to be bound to appropriate any ſums which may ſtill be wanted for carrying into effect a treaty once ſanctioned by this houſe. And yet that gentleman, and thoſe who agree with him on the preſent occaſion, are content, for the ſake of effecting their favourite object, the eſtabliſhment of a control over Executive appointments, to act in direct oppoſition to their own principles, in manifeſt inconſiſtency with thoſe very doctrines for which, on former occaſions, they have ſo ſtrenuouſly contended! The truth is, that they ſhape their doctrines to the purpoſes of the moment; and abandon them, without difficulty, when thoſe purpoſes require it. When they had reſolved to defeat the Britiſh treaty in this houſe, they introduced the doctrine of *inchoate*. They alledged that the houſe was under no obligation to carry a treaty into effect, becauſe it was only an *inchoate* act till ſanctioned by this houſe; but they admitted, in the moſt explicit manner, and made it a part of their doctrine of *inchoate*, that when this houſe had given its ſanction, the treaty became complete and obligatory. Now that their object is to turn certain miniſters plenipotentiary out of office, and to eſtabliſh a precedent of the control of this houſe over the executive in the exerciſe of its conſtitutional functions, they diſcard their favourite doctrine of *inchoate*, which is no longer adequate to the purpoſe. They go farther, and contend that the houſe, by its power over appropriations, has a right to control all the acts, to ſtop all the movements of the other departments: that it may withhold appropriations, in all caſes, according to its own good pleaſure or caprice; which the gentlemen dignify with the name of diſcretion. There cannot be a doubt that the doctrine now contended for, would enable this houſe to drive the Secretaries, the Judges, and even the Preſident, from office, by withholding the appropriation for their ſalaries, if ever they ſhould become perſonally obnoxious to a majority of this houſe. The ſtep from the preſent doctrines to that point, would be far ſhorter than from *inchoate* to the

preſent doctrines; and the right of encroachment being once eſtabliſhed, there will be nothing to ſet bounds to it, but the good pleaſure of the houſe. I have heard it avowed, Mr. Chairman, that the affairs of this country can never proſper until all the preſent heads of departments ſhall be driven from office; and I have no doubt that the means of effecting that purpoſe, ſo deſirable to theſe gentlemen, are intended to be furniſhed by this amendment. Should it prevail, it will eſtabliſh a precedent that may eaſily be extended to that or any other object; and have we reaſon to believe, from what we now ſee and have witneſſed on former occaſions, that the extenſion will not be attempted?

Let not gentlemen, therefore, Mr. Chairman, accuſe us of too much jealouſy, when we zealouſly oppoſe theſe attempts, and charge them with ſupporting principles which lead to the utter overthrow of the Conſtitution. I view their principles in that light; and in this view I am fully confirmed by the moſt mature reflection, not only on the conſequences of thoſe principles, but on the manner in which they have been introduced and ſupported here.

But, ſay gentlemen, what intereſt can we have to ſubvert the Conſtitution? Why ſhould we harbour deſigns of overthrowing the Government, and introducing anarchy and confuſion? Have we not as much at ſtake, as much to loſe, as you? Have we not equally concurred in the eſtabliſhment of this Government? And what inducement can we have to wiſh for its deſtruction?

Since gentlemen, Mr. Chairman, make this appeal to their motives, I muſt be permitted to offer a few obſervations on that ſubject, before I dilate, as it is my intention to do, on the object and tendency of their political ſyſtem.

As to motives, Mr. Chairman, I have no difficulty in declaring, that I believe the far greater part of theſe gentlemen to be actuated by the pureſt motives. I do not ſay all; becauſe I am not bound to anſwer for the motives of all. There are ſome among them of whoſe motives I know nothing; but far the greater part of thoſe who ſupport the ſyſtem whereof this amendment is a leading member, are actuated, in my opinion, by motives as pure, I will not ſay as my own, becauſe perhaps thoſe gentlemen may deny me the merit of pure motives, but as thoſe of the beſt and pureſt men in this country: and if I could find ſecurity againſt the conſequences of men's actions in the uprightneſs of their intentions, I never ſhould apprehend harm from theſe gentlemen. But, Mr. Chairman, does hiſtory, experience, or common ſenſe, inform us that ſuch ſecurity can be found? Do we not confine lunatics, and keep knives and razors out of the hands of children? Why? Not becauſe we are afraid of their intentions, but of their actions; becauſe we are juſtly apprehenſive of their doing miſchief without intending it. Is there a deſcription of people on earth, who have inſpired the world with a firmer confidence in their good intentions, than the Quakers? And yet we dread the conſequences of ſome of their attempts. This ſociety, ſo virtuous, ſo praiſe-worthy, and whoſe inſtitutions are formed on principles ſo beneficial and benevolent, have, however, adopted it as part of their creed, have made it a tenet of their religion,

that Perſonal Slavery ought to be aboliſhed ; and they go forward with unwearied perſeverance, to the accompliſhment of this object, without regard to riſks or conſequences. In vain do we tell them that their attempts; if ſucceſsful, muſt render the Southern States a new St. Domingo, a mournful ſcene of maſſacre, pillage and conflagration ; muſt end in the common deſtruction of the blacks and whites, the ſlaves and their maſters. In vain do we hold up to their view the recent and neighbouring example of the French Iſlands, where ſimilar maxims have reduced the moſt flouriſhing and beautiful provinces to one great Slaughter-pen, have every where mingled the blood and bones of the wretched inhabitants, with the aſhes of their dwellings. They anſwer, that they have no intention to produce theſe conſequences, and do not apprehend them; that it is their duty to proceed, and that the conſequences are with God. Suppoſe the agents and miſſionaries of this ſociety, whom we ſee ſo often attending this Houſe, ſhould addreſs themſelves to the gentleman from Virginia who moved this amendment, or to his friend from North-Carolina (Mr. Macon) who claim ſo much indulgence for their ſyſtem on the ſcore of their good intentions, and ſhould ſay, " We have the beſt poſſible intentions: nothing " can be more pure than our motives: we mean no doubt to free all " your ſlaves, but good, not evil, will reſult from the meaſure: we " can have no intereſt to produce maſſacres, plunder and conflagra- " tion throughout your country ; and you ought therefore to be per- " fectly eaſy as to the conſequences of our attempts." Thoſe gentlemen might believe all this, and no doubt would believe it, as firmly as I believe them when they make ſimilar proteſtations; but would they think it ſufficient reaſon for indulging the Quakers in their wiſhes; or ſufficient ſecurity againſt the conſequences of their ſyſtem? I believe not. I believe thoſe gentlemen would act like men of ſenſe, and would ſay to the Quakers, " We have no doubts about the purity " of your motives; but while we remain perſuaded, as we now are, " that your plans, however well-intentioned, lead to the moſt direful " calamities, not only to us and our families and our country, but " alſo to the objects of your care, we ſhall oppoſe them with all our " might." This would, no doubt, be the language of the gentlemen, and it would be the language of good ſenſe; and this ſame language I now addreſs to them.

In fact, Mr. Chairman, does not hiſtory teach us there is nothing more common than for men to do miſchief when they mean to do good? Did the La Fayettes, the Rochefaucalds, the Liencours, the Lameths, and the Clermonts of France, when they firſt taught the doctrines of inſurrection, and ſtirred up the mob to reſiſt the government, intend to pull down ruin on their country, their families, and themſelves? Did they intend to procure their own death or baniſhment, and the confiſcation of their eſtates; to ſend to the guillotine hundreds of thouſands of the beſt citizens, including their own families and friends, to drench the whole country in blood, and transfer the moſt abſolute power into the hands of the vileſt of mankind? Certainly they had no ſuch intentions; and yet we find that theſe conſequences did reſult from their meaſures; France and the world have groaned and are

groaning under these consequences; nor are they less real, or less deplorable, because their authors intended to do good and not mischief. Fanatics never, or very rarely indeed, intend to do mischief; and yet all experience proves that no description of men is half so mischievous. They rush blindly on, without reflection or hesitation, and aim directly at the accomplishment of their designs, without being delayed or turned aside by any considerations of the result.

This, Mr. Chairman, is the nature, the peculiar characteristic of all fanaticism, whether religious or political. It hurries on its votaries, with an impetuous and inconsiderate fury, which renders them equally deaf to the voice of reason, and blind to the consequences of their actions. Thus the Quakers rush forward to the liberation of the blacks; thus the falsely-named philanthrophists of France involved the French colonies in flames and slaughter; and thus a set of political fanatics, in the same country, in pursuit of their wild and visionary theories, put arms into the hands of the mob, taught the populace the doctrine and practice of insurrection, overthrew the government, and were themselves, with their families, their fortunes, and their country, crushed under its ruins. Their fanaticism impelled them to pull down a stupendous fabrick, the work of fourteen centuries; which by its fall spread death and devastation over the whole extent of the finest country on earth.

With these awful examples before us, shall we trust fanatic men with power by reason of their upright motives; or sit regardless of the consequences of their actions, because we are convinced that their intentions are pure? So far otherwise, Mr. Chairman, that, in my opinion, their honesty is an additional reason for dreading them. Of your cool, calculating, political knaves I am never afraid. Such men are not apt to be much trusted, and moreover they never do mischief but when there is something to be gained by it. They never do mischief for mischief's sake; and being, for the most part, men of sense and reflection, you may generally convince them that their own interest lies in avoiding mischief. But it is the sincere, the honest fanatic whom I dread, and whom I think myself bound to restrain, as I would confine a maniac. His honesty, his zeal, and his good character, enable him to inspire confidence and gain proselytes: the consciousness of upright intentions renders him as bold as he is blind. He rushes directly forward, without looking to the right hand or the left; pulls down all that stands in his way, regardless on whom it may fall; destroys a country, in order to make it free; inflicts unheard of calamities on the present generation, for the happiness of posterity; and makes experiments on governments and nations, with the sang-froid of an anotomist defecting the body of a malefactor. These are the men of whom I am afraid, and whom I think it my duty, at all times and places to withstand: men whose projects and experiments have brought ruin on other countries, and will bring it on this, unless they are resisted and restrained by the sober and reflecting part of the community.

After all, Mr. Chairman, I am not much afraid of these men. There was indeed a time when their efforts might have been formi-

dable; becauſe that phrenzy of revolution which ſeemed to have been poured out upon the earth like a vial of wrath, which had fallen upon mankind like a plague, did once extend its dreadful influence to this country, where, in a greater or leſs degree, it infected every deſcription of people, and made them eager for change and ripe for revolution. But it has paſſed away never to return. Fortunately before the diſeaſe had riſen to its height here, time was given for obſerving its terrible effects elſewhere; and the American people profiting by example, and aided by the peculiar happineſs of their ſituation, firſt reſiſted, and have finally ſubdued this dreadful malady, the love of revolution.

In this, I repeat again, they have been aided no leſs by their own happy ſituation, than by the mournful experience of other countries. For revolutions, Mr. Chairman, are brought about in all countries by three deſcriptions of men; philoſophers, jacobins, and ſans-culottes. They exiſt in all countries, and accordingly in all countries are to be found the materials of revolution; but they exiſt in different proportions, and according as theſe proportions are greater or leſs in any country, ſo is the danger of revolution wherewith it is threatened.

The Philoſophers are the pioneers of revolution. They advance always in front, and prepare the way, by preaching infidelity, and weakening the reſpect of the people for ancient inſtitutions. They are, for the moſt part, fanatics, of virtuous lives, and not unfrequently, of ſpecious talents. They have always, according to the expreſſion of an ancient writer, "Satis eloquenti, parum ſapienti;" eloquence enough, but very little ſenſe. They declaim with warmth on the miſeries of mankind, the abuſes of government, and the vices of rulers; all of which they engage to remove, provided their theories ſhould once be adopted. They talk of the perfectibility of man, of the dignity of his nature; and entirely forgetting what he is, declaim perpetually about what he ſhould be. Thus they allure and ſeduce the viſionary, the ſuperficial, and the unthinking part of mankind. They are for the moſt part honeſt, always zealous, and always plauſible; whereby they become exceedingly formidable. Of the three claſſes employed in the work of revolution, they are infinitely the moſt to be dreaded; for until they have ſhaken the foundations of order, and infuſed a ſpirit of diſcontent and innovation into the community, neither the jacobins nor the ſans-culottes, can produce any conſiderable effect. The army cannot find entrance until theſe forerunners have corrupted the garriſon to open the gates. Of theſe men we, in this country, have enough and more than enough.

Of Jacobins we alſo have plenty. They follow cloſe in the train of the philoſophers, and profit by all their labours. This claſs is compoſed of that daring, ambitious and unprincipled ſet of men, who poſſeſſing much courage, conſiderable talents, but no character, are unable to obtain power, the object of all their deſigns, by regular means, and therefore perpetually attempt to ſeize it by violence. Tyrants when in power, and demagogues when out, they lay in wait for everyopportunity of ſeizing on the government *per fas ant nefas*,

and for this purpoſe uſe all implements which come to their hands, neglect no means which promiſe ſucceſs. Unable to enter at the door of the ſheep-fold, they climb in at the windows, and devour the flock. Although they uſe the aſſiſtance of the philoſophers in gaining entrance, they dread their honeſty, their zeal, and their influence with the public; and accordingly the firſt uſe they make of power, when they can obtain it, is to deſtroy the philoſophers themſelves.

As the philoſophers are the pioneers, theſe men are the generals of the army of revolution; but both pioneers and generals are uſeleſs without an army; and, fortunately, the army does not exiſt in this country.

This army is compoſed of the ſans-culottes; that claſs of idle, indigent, and profligate perſons, who ſo greatly abound in the populous countries of Europe, eſpecially the large towns; and being deſtitute of every thing; having no home, no families, no regular means of ſubſiſtence, feel no attachment to the eſtabliſhed order, which they are always ready to join in ſubverting, when they find any one to pay them for their aſſiſtance. Theſe were the men, who, in the pay of a wealthy jacobin, and under the guidance of fanatic philoſophers, overturned all order and government in France, and will overturn it in every other country where they exiſt in great numbers, and are not oppoſed with great force and unceaſing vigilance. But fortunately for America, there are few ſans-culottes among her inhabitants, very few indeed. Except ſome ſmall portions of rabble in a few towns, the character is unknown among us; and hence our ſafety. Our people are all, or very nearly all, proprietors of land, ſpread over a vaſt extent of country, where they live in eaſe and freedom; ſtrangers alike to oppreſſion and want. Thoſe who reſide in the largeſt towns are poſſeſſed of property, have homes, families, and regular occupations; and among ſuch a people the principles of ſans-culottiſm never did, and never will make much progreſs. If a new Duke of Orleans were here, with a Mirabeau for his privy-counſellor, and an annual revenue of three hundred thouſand guineas to ſupply the means of corruption, he could not raiſe a mob ſufficient to drive this body from their ſeats, or over-awe their deliberations. We have jacobins in plenty, and philoſophers not a few; but while we are free from ſans-culottes, and it is probable that the nature of our government, and the abundance of untilled land in our country, will ſecure us from them for ages, we need not apprehend great danger. We ought, no doubt, to watch and withſtand the enterprizes of the pioneers and generals; but while they remain without troops, they are not much to be dreaded.

Having made theſe obſervations on the purity of gentlemen's motives, obſervations which were due not only to candour and truth, but to the reſpect I feel for their perſonal characters, I hold myſelf at full liberty to explain the tendency of the preſent amendment, and of that ſyſtem of policy whereof it is a part; and I mean not to impute any ill intentions to gentlemen, when I declare, and attempt to prove, that this tendency is to the utter ſubverſion of the preſent government. It is my firm and moſt deliberate opinion, that the

amendment now under conſideration, and the principles of that ſyſtem to which it belongs, lead directly to the introduction of anarchy and revolution in this country, and if not ſteadily oppoſed, muſt ſooner or later produce that effect. This opinion it is my purpoſe to ſupport by the obſervations which I am about to offer; and it is by a full conviction of its truth, that I have been induced to conſider it as a moſt ſacred duty, to combat the ſyſtem at all times, and by all the means in my power.

The gentleman from Pennſylvania (Mr. Gallatin) has denied this to be the tendency of his ſyſtem, and contends that our principles, not his, lead to revolution and anarchy. Revolution and anarchy, he tells us, in emphatic language, are the reſults of a ſyſtem of expence, of war, of oppreſſion, and of arbitrary ſway, the laſt leaf of that book in which are written the exceſſes of tyranny. I agree fully with the gentleman in this poſition; but there is another queſtion anterior to this, which he has omitted to diſcuſs. It is by what means tyranny, by what means the exceſſes of arbitrary government are moſt likely to be produced? This queſtion I propoſe to diſcuſs with the gentleman from Pennſylvania; I mean to compare his ſyſtem, his principles, with our's, and to enquire which of the two is moſt likely to introduce arbitrary government into this country. And I hope to convince, not that gentleman himſelf, but the Houſe, that if ever arbitrary government ſhould exiſt here, it muſt owe its exiſtence to the ſyſtem of policy which that gentleman ſupports.

How, let me aſk, Mr. Chairman, have the governments of other countries been converted from free into arbitrary governments? By one of two ways; either a military chief, poſſeſſing little political authority, but hereditary, and having at his diſpoſal the military force of the State, has availed himſelf of the frequent wars, whereby neighbouring ſtates are ſo frequently afflicted, has augmented that military force, and finally employed it in extending and confirming his own authority; or in ſtates where no military chief of this deſcription exiſted, popular leaders, poſſeſſed of talents, and actuated by an inordinate ambition, have formed a ſtrong party among the people, have invaded and finally ſubverted the authority of the government, and erected to themſelves an abſolute dominion. Every ſtate that has loſt its liberty ſince the foundation of the world to the preſent day, except in caſes of conqueſt by a foreign power, has loſt it by one or the other of theſe two methods. The firſt is the natural death of free monarchies, the ſecond of free republics; and both ancient and modern hiſtory furniſh many examples of both. It was by the firſt that all the feudal ſtates were converted into abſolute monarchies except England and Poland, the former of which was protected, by its inſular ſituation, from the neceſſity, and alſo from the conſequences, of a great military power in the hands of its chief, and thus preſerved its liberties, while in the latter powerful individuals retained the military force in their own hands, divided it among themſelves, kept their chief in ſubjection, and at length, by their feuds and civil broils, deſtroyed the ſtrength of the ſtate, and delivered it over to be ſubdued and divided by the neighbouring powers. It was by the concentration and exerciſe of military force in

the hands of an hereditary chief, that the Cortes of Spain were broken under Ximines, and the States General of France under Richlieu and Mazarine. It was thus that the great princes of Germany became abſolute in their reſpective dominions, and that the Ruſſian deſpotiſm was founded on the ruins of feudal ariſtocracy.

This danger, however, does not exiſt in popular governments. They have no great military chief, of hereditary power, who, diſpoſing abſolutely of the public force, may uſe it for the extenſion of his own authority: and of all republics that ever have exiſted, none ever was ſo little threatened with danger from that quarter as our's. It is needleſs to dwell on the reaſons of this peculiar advantage; for they are obvious to every one. When republics fall, they fall by other means; by gradual inroads on the principles of their governments; by popular encroachments on regular authority; by the concentration of their powers in ſome popular body, where artful, able and aſpiring demagogues, obtain ſway, and eſtabliſh arbitrary power nnder the name of the people. This is the quarter from which all popular governments have been aſſailed, for the moſt part with ſucceſs; and from which our's will be ſucceſsfully aſſailed ſhould the principles of the gentleman from Pennſylvania ever be adopted. Thus fell Rome under the power of Cæſar; thus fell the republic of England under the power of Cromwell; and thus will fall the United States under ſome future Cæſar or Cromwell, unleſs a ſteady oppoſition be given to the ſyſtem of the gentleman from Pennſylvania, whereof this amendment, let it be repeated, forms a part.

When the examples of the ancient republics was adduced by my friend from Maſſachuſſetts (Mr. Thatcher) the gentleman from Pennſylvania denied it to be applicable, becauſe the government of thoſe republics was different from ours. I know, Mr. Chairman, that our government is different from that of Athens or Rome, and I wiſh to keep it ſo. That is the object of all my exertions; of all my zealous oppoſition to motions like the preſent. To make our government like thoſe of Athens or Rome, is in my apprehenſion, the object and tendency of the ſyſtem advocated by the gentleman from Pennſylvania. How is this to be effected? By inducing this houſe, ſometimes under this, and ſometimes under that plauſible pretence, to eſtabliſh precedents of encroachment on the other departments, to practiſe on theſe precedents, and extend them further and further, until at length all power ſhall be concentrated in this houſe, and exerciſed according to the good pleaſure of thoſe members who can obtain influence here. In Athens, all power was concentrated in the hands of one body, and it was abuſed at the pleaſure of thoſe who by their eloquence, their wealth, or by any other means, could obtain the confidence and influence the determinations of that body. In Rome, the caſe was ſomewhat different; but even there, for want of a well fixed balance in her government, the maſs of the people gradually uſurped all power, and transferred it to their favourites, or their purchaſers. By purſuing the principles of the gentleman of Pennſylvania, the ſame effect muſt be produced here. This houſe firſt begins the attack on the Preſident. It controls his appointments, directs his meaſures, gives

him orders under the name of advice, and if he refuſes to obey them, withholds all the ſupplies for the ſervice of the government. All this is juſtified under the gentleman's doctrine of appropriations. A favourable moment is ſeized for laying the corner ſtone, for fixing the principle, and plauſible pretexts are adduced. A treaty is made, and a popular clamour is excited againſt it. Advantage is taken of this clamour to refuſe an appropriation for carrying the treaty into effect, and thus a precedent of interfering in treaties is attempted to be eſtabliſhed. A foreign miniſter is appointed, the reaſons for whoſe appointment are capable of being obſcured or miſrepreſented. The occaſion is ſeized to deny an appropriation; and, under the pretence of ſaving public money, and preventing the expence of an uſeleſs appointment, an attempt is made to acquire a control over the appointments of officers. Theſe points being carried, the precedents are ſoon drawn into practice, and further enterprizes are undertaken in due ſeaſon. Every ſucceſs gives further ſtrength and boldneſs for new aſſaults, the cannon of every baſtion that is taken, is immediately turned on the remaining works: and finally the Preſident is reduced to the condition of the chief officer of this Houſe, and the heads of departments become the firſt clerks of its committees.

The Preſident being demoliſhed, the party proceeds with new vigour, and greater forces, to attack the Senate, which deprived of the ſupport of the Executive, is ſpeedily overthrown. The Houſe ſays to the Senate, "Unleſs you conform to our will, we lay our "hands on the purſe ſtrings, and ſtop the wheels of government. "Should a conteſt enſue, we are ſure to be uppermoſt; for we are "the immediate repreſentatives of the people; we adore the people; "nay we are the people themſelves. Therefore beware of a conteſt "in which you have every thing to loſe, and we are certain of gaining."

The Senate, enfeebled and diſmayed, yields by degrees to theſe powerful arguments, and this Houſe remains victorious with all power in its hands. It proceeds to appoint a Committee of Exterior Relations, a Committee of Interior Relations, a Committee of Juſtice, a Committee of Finance, and ſo on, and a new French Convention ariſes to view, where principles are ſet at naught, caprice is law, and the whim of the moment, diſpoſes of all public and private rights. Then follow confiſcations and baniſhments, and the long train of tyrannical exceſſes ever attendant on popular bodies in whoſe hands the whole powers of government have been concentrated, from the aſſemblies of the people at Athens, and the Comitiæ at Rome, down to the Rump Parliament of England, and the French Convention. Then will the member who ſhall poſſeſs the moſt art, the greateſt eloquence, and the moſt daring ſpirit of enterprize, ſpeedily form a party, by means of which he will enſlave the Houſe, and rule the country. Should there be ſeveral of equal or nearly equal ſtrength, they will firſt divide the power among themſelves; but their union will be fallacious and ſhort. They will be employed in attempting to circumvent or undermine each other; diviſions will ſoon ariſe, and mortal quarrels will enſue; till at length the reſt will ſink beneath the overbearing genius of one, and he will eſtabliſh his dominion uncontrolled. This is the *liberty* which

gentlemen, ſhould their ſchemes ſucceed, will, ſooner or later, beſtow on the country; the liberty of a few bold, able, ambitious men to do what they pleaſe, and of the reſt of the community to obey them. This, Mr. Chairman, may be very pleaſant liberty for thoſe who are to be poſſeſſed of power; but for me, and the reſt of the community, it has no charms; and I ſhall, therefore, omit no opportunity of reſiſting its firſt and moſt diſtant approaches.

Should any one object, that this ſtate of things muſt be extremely diſtant, I beg him to recollect how ſhort a ſpace intervened between the throne of Louis the Sixteenth and the ſcaffold on which he bled; between the abſolute power of Neckar, and the deſpotiſm of Marat; between the ſplendid fortune of ſo many diſtinguiſhed families, and the dungeon or the guillotine. Governments like our's, Mr. Chairman, may be compared to the planetary ſyſtem, whoſe preſervation depends entirely on the exact preſervation of its balance. The exact balance between the centrifugal force and the power of gravitation, retains the planets in their orbits; but ſhould ſome angel of deſtruction puſh them out of thoſe orbits, though in ever ſo ſmall a degree, the balance is loſt; one power gains what is taken from the other; and theſe immenſe bodies, whoſe beautiful and regular play furniſhes the greateſt wonder of creation, fly out, and are loſt in boundleſs ſpace, or ruſh to the ſun, with encreaſing and incalculable veloſity, and there are mingled in one mighty ruin. Should the gentleman from Pennſylvania ſucceed in his preſent attempt, he becomes the angel of deſtruction to our beautiful conſtitution. He deſtroys the happy balance of its powers; and the approximation of the different departments, though ſlow and gradual at firſt, would become more rapid as it advanced, and ſpeedily produce that concentration of power in this houſe, which ſeems to be the object of all that gentleman's labours and cares.

It is this view of the ſubject, Mr. Chairman, that ſtimulates me to oppoſe this amendment with the utmoſt perſeverance and zeal; not that I apprehend great miſchief from this particular meaſure, could it be viewed ſingly and by itſelf; but that I regard it as a part of a ſyſtem wholly incompatible with the exiſtence of this government, or the happineſs of this country. I regard the gentleman from Pennſylvania and his friends, in the light of an enemy who has commenced a ſiege againſt the fortreſs of the conſtitution. He proceeds at firſt by cautious ſteps, and endeavours to make a lodgment by ſurprize in ſome ſtrong and advantageous outwork, from whence he may direct a more efficacious attack againſt the citadel itſelf. On this advanced ground, in this outwork, I hold it wiſe to reſiſt him; convinced that ſucceſs here would be the prelude to a bolder and more dangerous aſſault; and that all the guns which he can now carry, will immediately be turned upon our remaining fortifications.

I muſt now be allowed, Mr. Chairman, to ſay a few words as to the expediency of this meaſure, as to the utility of foreign miniſters. To one ſide of the Houſe, to me and thoſe with whom I uſually act, it is ſufficient to ſay that the Preſident has thought fit to appoint foreign miniſters; for we are convinced, that the right of judging on this ſubject, has been given excluſively to him and the Senate by

the people of this country, and that when he and the Senate have thought fit to exerciſe this right by appointing a miniſter to this or that place, or of this or that grade, nothing is left for this Houſe, but to provide an adequate ſalary. But other gentlemen hold a different opinion; and contend that we may not only enquire how much the ſalary ought to be, but alſo whether the appointment itſelf be neceſſary. To gentlemen who ſincerely hold this opinion, I addreſs my remaining obſervations.

The gentleman from Pennſylvania (Mr. Gallatin) has aſſerted, that miniſters have nothing to do with the intereſts of commerce, except to make commercial treaties; while the care of ſeeing thoſe treaties duly executed, and the commercial rights of individuals properly protected, belongs to Conſuls. Hence he infers that foreign miniſters are uſeleſs; becauſe we have no need to form more *commercial* connections, and ought to have no *political* connections, with foreign nations. In order to prove that we ought to make no more commercial treaties, he contends that we have received much more harm than good from thoſe already made. This is the whole amount of this part of the gentleman's argument, which includes two-thirds of his long and ingenious ſpeech, and it is wholly built on the aſſertion, that "commercial intereſts are managed by conſuls, while miniſters have nothing to do with commerce except the making of "treaties for its regulation." This aſſertion has been already refuted, and the gentleman from Pennſylvania, though he has made it the ground-work of his whole reaſoning, has not attempted to prove it. For this he had very good reaſons; for he well knows it to be wholly unfounded; and therefore he has contented himſelf with aſſerting it and taking it for granted. I ſay he well knows it to be unfounded, becauſe that gentleman is well read in the law of nations, the writers on which, as well as its maxims and doctrines, we often ſee him adduce with much dexterity and learning, when they ſuit his purpoſe. Now, Mr. Chairman, I may, I think, venture to affirm, that there is no ſtudent in any college, who has read the indexes of ſome elementary books on the law of nations, but knows that it is the peculiar buſineſs of miniſters not only to make commercial treaties, but to watch over their execution, and to take care that the commercial rights of their country, under the law of nations as well as under treaties, are preſerved inviolate. This is a buſineſs with which conſuls never interfere, and to which they are wholly inadequate; not only from the nature and powers of their appointment, but alſo from their local circumſtances and ſituation. All this the gentleman from Pennſylvania well knows; and yet he has aſſerted that every thing reſpecting the intereſts of our commerce in foreign countries, except the formation of commercial treaties, can be, and is, tranſacted by conſuls, without the interference of miniſters. This aſſertion is the looſe block whereon, for want of a better foundation, he has reſted the whole edifice of his reaſonings; and this block I mean to knock away. A very ſlight ſtroke will be ſufficient for the purpoſe.

In what manner, Mr. Chairman, is the obſervance of a treaty of commerce with any country to be enforced? In what manner are infractions of ſuch a treaty or of the laws of nations, to be prevented or redreſſed? Is it not by applications to the government of that country; by repreſentations, by remonſtrances, by negociations? The gentleman from Pennſylvania will not anſwer in the negative. I know he will not. By whom then, and where, are theſe applications to be made, theſe repreſentations, theſe remonſtrances to be preſented, theſe negociations to be carried on? Muſt it be at the ſeat of government, by agents reſiding there; or at the ſea-ports of the countries, where the conſuls reſide? If the former, theſe agents will be miniſters. You may call them by a different name, but the thing will be the ſame: for a public agent of one country, charged with the management of its affairs, and reſiding at the ſeat of the government of another, is the very definition of a foreign miniſter, by whatever name you may think fit to call him. As theſe tranſactions are, from their very nature, to be with the government itſelf, let us ſee whether they could poſſibly be managed by conſuls.

In the firſt place, conſuls, by the eſtabliſhed law and uſage of nations, have no public official character, and cannot be admitted to any intercourſe whatever with the governments of the countries where they reſide. We may, if we pleaſe, exclaim againſt this uſage, and call it abſurd, or fooliſh; but it is the eſtabliſhed uſage of nations, and while it remains ſo we muſt conform to it. Suppoſe, therefore, that any injury ſhould be done to the commerce of our citizens by French privateers, for inſtance, or French municipalities, in contravention of our treaty, or againſt the law of nations, but under colour of certain acts of the French government. Could redreſs be obtained by means of conſuls? So far from it, that it could not even be applied for; ſince the conſuls could have no acceſs to the government. And yet the gentleman from Pennſylvania tells us that the intereſts of our commerce in foreign countries can be managed by conſuls!

In the next place our conſuls in foreign countries, are for the moſt part, natives of the countries where they reſide; with very few exceptions they are mere private merchants; and except in the ſingle caſe of the conſuls to the Barbary powers, who, according to eſtabliſhed uſage, are a ſpecies of miniſters, they receive no ſalaries. Are men of this deſcription adequate to the protection of our commercial intereſts? Can they be expected to poſſeſs the requiſite knowledge for conducting affairs of this kind, or the requiſite influence or weight of character? Will they abandon their own private affairs to attend at a remote capital, and ſolicit the reſtitution of veſſels, the revocation of injurious orders, or indemnification for improper ſeizures? If they were qualified for this buſineſs, and willing to undertake it, they certainly would not do ſo at their own expence. When our conſul at Bourdeaux, Nantes or Marſeilles, for inſtance, ſhould be applied to on any buſineſs which would require an application to the French government, would he go to Paris, and remain there to finiſh the buſineſs at his own expence? Certainly not.

We muſt pay him, not only his expences, but a compenſation for his time and trouble. As theſe applications would frequently occur, he could not go ſpecially for each one; but muſt remain always there; and we muſt give him a ſalary ſufficient to induce him to do ſo. He would then be a miniſter in fact, and in expence. He would want nothing of the character but the name, and the capacity of uſefulneſs. This is the eſtabliſhment which the gentleman from Pennſylvania wiſhes to ſubſtitute in the place of our preſent diplomatic appointments. The conſuls, in order to perform the duties which he ſays ought to be aſſigned to them, muſt be turned into miniſters; equally expenſive with the preſent corps, but far leſs efficacious.

In the third place, we ſhould have a multitude of theſe new-faſhioned conſul-miniſters; for we have a variety of conſuls in each of the great maritime nations of Europe. There is one in every conſiderable trading town. In France, for inſtance, we have ſix or ſeven; perhaps a much great number. Each of theſe, upon the plan of the gentleman from Pennſylvania, muſt reſide at Paris; for it would be impoſſible for them to be perpetually running backward and forward between their reſpective ſea-ports and Paris, as often as any affair might occur requiring an application to the government. If any gentleman ſhould doubt of this, let him look at the liſt now on the table of between four and five hundred American veſſels, carried into the different ports of France, or detained there, contrary to the treaty, and redreſs for the capture and detention of which muſt be obtained, if obtained at all, from the French government by means either of a miniſter or of conſuls. The conſuls, therefore, if they are to do the buſineſs, muſt all reſide at Paris; and inſtead of one miniſter we ſhould have nine or ten; perhaps a greater number. Theſe obſervations will apply, with a greater or leſs degree of force, to every other country with which we have a conſiderable commerce. And yet the gentleman from Pennſylvania tells us that our commercial relations ought to be left to conſuls!

Having ſeen, Mr. Chairman, what the duty of conſuls is not, let us now enquire, for a moment, what it is. We ſhall find them very neceſſary agents, though wholly inadequate to the buſineſs uſually committed to miniſters.

In the firſt place, it is their duty to ſettle diſputes which may ariſe between ſeafaring people of their own nation, arriving in the foreign ports where they reſpectively reſide. Theſe diſputes, we know, are apt to ariſe between the maſters of ſhips and their crews, between the crews themſelves, and between the maſters or crews of different ſhips; and theſe conſuls are uſually impowered to terminate them in a manner leſs tedious and expenſive than could be done by the local laws of the country.

In the next place, they are to aſſiſt ſeafaring people of their own country, who may happen to have any diſputes with the people of the place; are to make advances to them when in diſtreſs; and procure redreſs for them in all caſes where it can be afforded by the local authorities of their reſpective ports.

And laſtly, they are to act as agents between the people of their

country, and the miniſter: to inform him of caſes which require his interference with the government, and to facilitate to the ſufferers the means of applying to him. They are to be his agents in all the ſea-ports; while he is the general and immediate agent of his country with the government. They are to keep him informed of all the caſes which occur in their reſpective ports, of violations of treaties or of neutral rights; ſo that he may be enabled to take the proper ſteps for obtaining redreſs.

The duties of theſe agents whom we call conſuls, are therefore diſtinct from thoſe of a miniſter, ſo neceſſary in themſelves, and ſo incapable of being performed except by perſons reſiding in the ſea-ports, that were all the preſent conſuls, according to the plan of the gentleman from Pennſylvania, to be immediately ſent to the capitals, and converted into miniſters under a new name, their place muſt inſtantly be ſupplied by other agents, whom, perhaps, the gentleman would not chuſe to call conſuls, but who muſt be inveſted with the ſame powers, and perform the ſame duties. Such is the wiſe and notable ſcheme of the gentleman from Pennſylvania; and thus it is he is to rid us of the expence of miniſters!

Let me be permitted, Mr. Chairman, to propoſe another queſtion to the gentleman from Pennſylvania. If miniſters have nothing to do with commercial relations except making treaties of commerce, how comes it to paſs that the gentleman is willing for us to have miniſters of the higheſt grade with thoſe two nations with whom we have treaties of commere, and where, according to him, miniſters can have nothing to do? I mean France and England; with both of which nations we have commercial treaties, and where the gentleman conſents to our retaining miniſters plenipotentiary. To be conſiſtent with himſelf he ought to attempt the recal of theſe two miniſters, by refuſing an appropriation for their ſalaries, and to leave untouched thoſe of Liſbon and Berlin, who may poſſibly have ſomething to do. But this is not the gentleman's object. He has another; which is to eſtabliſh the principle of controlling the Executive in the exerciſe of this part of his conſtitutional functions, and thus effect a breach in the intrenchments of the conſtitution; and he will pardon me for conſidering this doctrine, about which he has diſcourſed ſo much, and with ſuch ingenuity, as a mere pretext to cover his attack.

So much, Mr. Chairman, for the utility of miniſters in general, who appear to me eſſentially neceſſary, not merely for making commercial treaties, but for protecting the rights of our citizens in foreign countries, according to treaties where there are any, and under the law of nations, where there are none.

But gentlemen point particularly to the miſſion to Berlin, and triumphantly demand what benefit is to be expected from ſending a miniſter to Berlin? What have we to do, ſay gentlemen, with the King of Pruſſia, or the politics of Germany? To me, Mr. Chairman, let me repeat it, it is enough that the Preſident has judged it proper to ſend a miniſter to Berlin; for to him and the Senate, in my belief, and not to this Houſe, has the conſtitution con-

fided the right to decide on this ſubject. But to gentlemen who are not ſatisfied with this anſwer, I will give another, and one which, I promiſe myſelf, they will find ſatisfactory. Have gentlemen who object to this miſſion, adverted to the peculiar ſituation of Europe at this moment? Have they adverted to our own peculiar ſituation? We have a moſt diſagreeable diſpute with the French republic. France has made peace with the Emperor; and a Congreſs is now ſitting, if not already terminated, to ſettle the affairs of Germany, and adjuſt the balance of Europe. In this congreſs intereſts of the utmoſt magnitude in themſelves, and in the higheſt degree important to France, are to be diſcuſſed; no leſs than to determine whether France ſhall extend her borders to the Rhine, or be reſtricted to the Meuſe; whether more than two millions of ſouls, formerly ſubjects of the German empire, ſhall become citizens of the French republic. In this congreſs the King of Pruſſia is mediator; a youthful monarch, enterpriſing, warlike and ambitious, at the head of three hundred thouſand of the fineſt troops in Europe, and with a treaſury repleniſhed by four years of peace, while the coffers of his neighbours are in a moſt exhauſted condition. With theſe advantages, joined to his local poſition, he holds in his hands the balance of France and Germany. Prepared to ſtrike in every direction, he is dreaded and courted by all parties; and eſpecially by France, who feels that after Auſtria, now exhauſted and deſirous of repoſe, he is the only power capable of checking her ambitious deſigns. Hence ſhe has the greateſt poſſible intereſt to ſoothe and conciliate him. This monarch poſſeſſes all the fineſt ports in the Baltic, and a great extent of maritime territory. His predeceſſor, the great Frederick, ſenſible that commerce alone can ſupply money, the ſinews of military ſtrength, always felt the greateſt ſolicitude to render his ſtates commercial; and one of the means by which he hoped to effect this purpoſe, was to form connections with commercial nations. This was the ſpirit of his Government, and became a ſtanding maxim in his ſyſtem of policy. Accordingly, having diſcovered that the United States muſt ſpeedily become a great commercial nation, he was among the firſt to form a treaty of commerce with us. Is there not reaſon to expect that the ſame views may be entertained by his ſucceſſor now on the throne? And was it not wiſe to do every thing in our power for keeping up a good underſtanding with a monarch who has it in his power to ſerve us ſo eſſentially? How is this to be done? By ſending a miniſter to his court, renewing our treaty with him which is about to expire, and holding out to him the proſpect of commercial arrangements, not injurious to us, but perhaps highly deſirable to him, and ſufficient to procure his good offices and interference in the adjuſtment of our differences with France. Would this interference be unavailing? I apprehend not; for France has too much intereſt in keeping well with this monarch to refuſe attention to his mediation. His interference, if he ſhould chuſe to interfere ſeriouſly, would, on the contrary, be more efficacious, in all probability, than fifty ſhips of the line.

I do not know, Mr. Chairman, that this interference will be obtained, or ought much to be expected; but I am fully perſuaded that it was wiſe to uſe the means, to ſend the miniſter, and make the attempt; from which I have no idea that we ought to have been deterred by the paltry conſideration of ſaving nine or ten thouſand dollars.

But gentlemen conſtantly repeat that we ought to have no political connections with the nations of Europe. This is about as wiſe as to ſay that a man ought never to have a fever. A fever, no doubt, is a very bad thing, and political connections may alſo be bad things; but we already have them, and the queſtion is not whether they are good or bad, but how we ſhall get rid of them. We not only have political connections, but diſputes of a moſt diſagreeable nature, growing out of thoſe connections. This is atteſted by all the papers on the table, by various acts of the Houſe, and more ſtrongly ſtill, by the univerſal capture and condemnation of our property. It is vain, and fooliſh, therefore, to repeat continually that we ought not to have foreign connections; but our buſineſs is to enquire how they may be beſt got rid of. How is this to be done? I anſwer by ſettling our preſent differences, and avoiding new ones. Unleſs gentlemen mean to ſubmit, and if they do I have nothing to ſay to them, having already had opportunities, on former occaſions, to ſay all that ſeemed neceſſary on that ſubject. Unleſs they now mean to ſubmit, I repeat that the only method of getting rid of thoſe foreign connections, about which they ſo loudly exclaim, is to ſettle our preſent differences in the beſt manner we can, and avoid new ones. For this purpoſe we muſt employ miniſters; and none could be more wiſely employed than the one to Berlin.

This diplomatic intercourſe, therefore, about which gentlemen raiſe ſo great an outcry, is perfectly conſiſtent with a wiſh to get rid, as faſt as we can, of foreign connections; and if gentlemen were ſincere in that wiſh, it appears to me that inſtead of oppoſing theſe appointments, they would applaud and ſupport them. Gentlemen muſt excuſe me if I ſay that I do not think them ſincere; that in my opinion foreign relations are merely a ſtalking-horſe, behind which they advance to attack the Adminiſtration, and the ſyſtem of policy which it has adopted. To foreign relations, and foreign intercourſe, in my opinion, gentlemen have no objection, provided thoſe relations can be ſuch as they wiſh, and conducted in the manner which they deſire. It is againſt the nature of theſe connections, and not to foreign connections in themſelves, that the hoſtility of gentlemen is directed. For the proof of this poſition, I appeal to the hiſtory of the meaſures purſued by thoſe gentlemen ſince the commencement of this Government.

I aſk gentlemen, Mr. Chairman, who think with me that the preſent attempt ought to be reſiſted, whether they can ſeparate it from that ſyſtem of meaſures which its ſupporters have ſo zealouſly and perſeveringly purſued, ſince the commencement of the war between France and England? I cannot. I am compelled to view it in connection with that ſyſtem, and it is this connection which makes me dread it.

Viewing it in this connection, the time which is choſen for making the attempt is to me its moſt alarming feature. This extenſion of foreign intercourſe, which is made the pretext for the preſent attempt, is not a meaſure of this day. It was adopted in May, 1796, and that was the time for oppoſing it, if the reaſons for the oppoſition were really ſuch as gentlemen alledge. But no oppoſition, or at leaſt none of any conſequence, was made at that time. I have looked over the debate which took place on that occaſion; and I find that although ſome objections were made, they reſted on a ground wholly different from that now taken. They were confined to the expediency of the meaſure; but not one word was ſaid of the danger of Executive influence, or the neceſſity of checking Executive patronage. Among others I was moſt ſtruck by the obſervations of a gentleman from Pennſylvania (Mr. Findley) which agree preciſely with our preſent doctrines, and appear to me ſo ſolid and important that I cannot forbear preſenting them to the committee. They are found in the debate of May 30th, 1796, on the extenſion of foreign intercourſe, and in theſe words:

"Mr. Findley ſaid, that he had voted againſt this meaſure in "the committee of the whole, and he thought he was right in doing "ſo: but he was now of opinion, that except the Houſe had infor- "mation ſufficient to convince them that the appropriation was neceſ- "ſary, they ought to grant it. He wiſhed as much as any one to ſave "the money of the public; but he believed our government was, in "ſome degree, obliged to conform to European practices. If we had "miniſters plenipotentiary at one court, he did not know where to "draw the line. *He believed they ſhould do beſt in leaving the executive "to ſettle this matter.*"

The committee, Mr. Chairman, will doubtleſs be ſtruck, as I have been, with the contraſt between theſe ſentiments and thoſe which the ſame gentleman, and thoſe with whom he acts, have expreſſed on the preſent occaſion. The gentleman, no doubt, has good reaſons for his change of opinion, but as I do not know them, I muſt ſeek for them in the change of our ſituation. I ſhould be ſorry to ſay, or believe, that it is to be found there; but the appearance of the thing to my mind is ſo ſingular, and ſo alarming, that I cannot conceal it. —At that time we had no diſpute with France; now we have. At that time, the French government had not declared us to be a people divided from our government; now it has. At that time, we were not on the eve of a conflict in which it was to be proved whether the people of this country ſhall be governed by France, or themſelves; now it is to be feared that we are. In this awful, this momentous ſituation of our country; when we know that France, in her hoſtile meaſures, proceeds on the perſuaſion that our people are divided from our government, and this houſe againſt the Executive; when we ſee meaſures here introduced and proſecuted with unequalled zeal, whoſe plain and direct tendency is to ſet this houſe at war againſt the Executive; to degrade the Preſident, and hold him up to public view as the enemy of liberty, and unworthy of confidence; can we avoid obſerving, how exactly theſe attempts are cal-

culated to promote the views of France? Can we avoid the impreſſion of a concert with thoſe on the other ſide of the water, the impreſſion that gentlemen are playing into the hands of a Foreign government, which is purſuing every hoſtile meaſure againſt this country? This impreſſion I wiſh to reſiſt; but I fear that the public mind will not reſiſt it; nor can I eaſily reſiſt it, when I advert to that ſyſtem of alliance with France and war againſt England, which was at an early period imported into this country, and has been ever ſince purſued with ſo much activity and perſeverance in this houſe.

When I ſay this ſyſtem of alliance and war was *imported* into this country, I have no alluſion to any member of this houſe. I have no doubt that it was imported by a member of this government, but not of this houſe; and it was a part of the ſyſtem adopted by the revolutioniſts of France, when they reſolved to wage war againſt all their neighbours, eſpecially England, for the purpoſe of ſubverting the government of their own country, and gratifying their own perſonal ambition. This war, we know, was reſolved on long before it was declared; and it was then determined that the United States ſhould engage in it on the part of France. A regular ſcheme was concerted, according to every appearance, for drawing them into it; the miſſionary arrived who was to convert us to this new faith; and this miſſionary was a citizen of our own, who was recalled from a public employment in that country, to fill a high official ſtation here.* Not long after a French Miniſter was ſent over to ſecond his efforts, and he came furniſhed with ample inſtructions, and fortified with ample means of ſeduction.

Before this miniſter arrived, accounts reached us that the war between England and France was commenced. As we had extenſive and important relations, both of a commercial and political nature, with thoſe two nations, it immediately became a queſtion, of the greateſt importance and ſolicitude, how we ſhould act in this critical ſituation. In the deliberations which took place, on this ſubject, in the cabinet of the executive, two very oppoſite opinions immediately appeared; one for war on the ſide of France, and the other for a firm neutrality: and there were two men† at that time in the councils of the Preſident who ſupported theſe two opinions. The advocate of the war ſyſtem, did not venture openly to oppoſe the ſyſtem of neutrality, which he knew to be the wiſh of the country. To have oppoſed it openly; to have declared, in plain terms, that we ought not to remain neutral, but to engage in the war, with fi-

Notes by Mr. Harper.

* For avoiding miſtakes, I declare, that in this, and the ſucceeding paſſages, I allude to the preſent Vice-Preſident of the United States, whom I conſider as the author and ſecret mover of this ſyſtem of War againſt England, and alliance offenſive and defenſive with France: a ſyſtem which, far from being abandoned, is, in my opinion, now puſhed with more zeal than ever, by the ſame party. Hence all their efforts to keep the country diſarmed, to deprive the government of the public confidence, and to compel it, by thoſe means, to break anew with England, in obedience to the orders of France. For when this breach is once made, they know that a war muſt be the next ſtep, and then the alliance with France, or rather ſubjection to her under the name of an alliance, follows of courſe; and theſe gentlemen would rule the country, under the orders of a French Miniſter, as is now actually the caſe in Holland. I conſider the letter to Mazzie, and Genet's charge about "a language official and a language confidential," joined to the general tenor of this gentleman's conduct, and the book of his friend Mr. Monroe, as full proofs that my opinion is well founded.

† Theſe two men were Jefferſon and Hamilton. The firſt was for war, the ſecond for neutrality.

nances ſo deranged, a government ſo imperfectly eſtabliſhed, and a condition of affairs ſo unſettled; would, as he well knew, have diſguſted and alarmed the people, and ruined the project. He therefore acted with more art and addreſs. He laboured to the utmoſt to induce the Preſident not to decide, himſelf, upon the queſtion of neutrality; but to convene Congreſs, and refer the deciſion to them. Why? Becauſe it was known that a popular body, like Congreſs, was infinitely more ſuſceptible of enthuſiaſm, more eaſily wrought on by management and intrigue, more obnoxious to the influence of popular clamour, mobs, and venal preſſes, than the cool, deliberative councils of the Preſident. It was alſo known that in caſe of a reference to Congreſs, the neutral ſyſtem would loſe the aid of its author's talents, who was precluded, by his official ſtation, for a ſeat in that body. To this point then the author of the war ſyſtem directed his whole force. He laboured to convince the Preſident that it did not belong to him to decide the queſtion of neutrality; but to Congreſs, to whom the conſtitution required it to be referred; and in this effort, it is well known that he was aided, to the utmoſt, by that deſcription of people who have, ſince that time, omitted no opportunity in their power of hurrying us into a war againſt England.

Fortunately, however, the Preſident ſaw and avoided the ſnare. His ſound judgment, and penetrating diſcernment, enabled him to perceive all the hazards of ſuch a reference: his good ſenſe prevented him from entertaining a doubt about his conſtitutional power to decide this queſtion; and his firmneſs enabled him to make, and ſupport the deciſion. The proclamation of neutrality accordingly appeared.

It no ſooner made its appearance, than the war-party and their chief, raiſed an out-cry againſt it from one end of the continent to the other. The French miniſter (Genet) who arrived ſoon after, remonſtrated; the popular ſocieties formed under his auſpices, publiſhed reſolutions; and the venal preſſes, the principal of which* was under the immediate direction of the author of the war ſyſtem, poured forth abuſe againſt the proclamation of neutrality, the miniſter who adviſed it, and the Preſident by whom it was iſſued. In ſhort, Mr. Chairman, no expedient which diſappointed intrigue, and an artful, enraged ſpirit of party could deviſe, was omitted for raiſing an univerſal popular indignation againſt this proclamation of neutrality, and for preparing Congreſs to condemn and reverſe it. The changes were rung from town to town, from ſtate to ſtate, and from one end of the union to the other, on puſillanimity, on national degradation, on ingratitude to France, on ſervile ſubmiſſion to England; and this proclamation was furiouſly aſſailed, with the very ſame weapons which we have ſince ſeen employed againſt the Britiſh treaty, which was juſtly conſidered as a part of the ſame ſyſtem of neutrality.

The efforts of the friends of war and their chief were, however,

Note by Mr. Harper.

* The National Gazette, whoſe editor, Philip Freneau, was a confidential clerk of Mr. Jefferſon. This paper was the vehicle of all the moſt violent attacks againſt the proclamation of neutrality.

unavailing. The people of America indeed felt a warm, an almoſt enthuſiaſtic partiality for France, whom they conſidered as contending for liberty, and on this partiality the party founded ſtrong hopes of ſucceſs. But the good ſenſe of the people enabled them to diſcern that whatever might be their wiſhes for the ſucceſs of France, the intereſt of their own country lay in preſerving peace: and they gave, throughout the union, the moſt unequivocal proofs of approbation to the proclamation of neutrality. When Congreſs met, this ſentiment had become ſo ſtrong and univerſal, that the war-party did not dare to oppoſe it. The proclamation was approved of by Congreſs; and the party and their chief once more had a hook put into their noſe.

Though a ſecond time diſappointed, they did not, however, loſe courage, nor abandon their ſchemes. But as a ſyſtem of neutrality had now been adopted, it was too late to talk of war; and the next ſtep, therefore, was to explain this neutrality in ſuch a manner as would render it, in effect, an alliance with France, and a ſtate of hoſtility againſt England. This was attempted accordingly; but as the author of the war ſyſtem held an official ſtation under the executive, he could not openly appear in it. The French miniſter came forward, and advanced the pretenſions, which it was the part of the other perſonage to ſecond and ſupport in the Preſident's council. A right was claimed on the part of France to arm, fit, and commiſſion ſhips of war in our ports; to exclude Britiſh ſhips of war under pretences which would have applied to every poſſible caſe; to inliſt crews among our citizens; to raiſe armies in our country; and to preclude our courts of juſtice from all cognizance of prizes taken and brought in by veſſels acting under French commiſſions. It was contended on the part of France, that we ought to reſiſt, by force, the right claimed by England, and clearly acknowledged by the law of nations, to take the goods of her enemies, when found on board of our neutral veſſels. It requires no diſcernment, Mr. Chairman, to ſee that theſe pretenſions, had they been agreed to, would have placed the direction of our affairs in the hands of France, and muſt inſtantly have induced a ſtate of war between us and England. This was well underſtood by the war-party; and therefore, as every body recollects, they aided and ſupported the French miniſter to the utmoſt of their power. Theſe pretenſions, indeed, were repelled by the Preſident, who adopted a ſyſtem wholly different; a ſyſtem of national independence and fair neutrality: but it is well known to have been adopted contrary to the opinion, and in ſpite of the efforts of the chief of this party. When it was adopted, he did indeed defend it, in his official character; but he has taken care to declare* his abhorrence of it, and the French miniſter did not fail to accuſe him of duplicity for having written officially in its defence.† While officially defended by their chief, the party themſelves aſſailed it with the moſt perſevering violence. The

Notes by Mr. Harper.

* In the letter to Mazzie, where he ſtigmatizes this very ſyſtem, as a ſyſtem of ingratitude and injuſtice to France.

† See Genet's letter to Mr. Jefferſon, of Sept. 18, 1793. Pages 70 and 73. of the printed correſpondence.

haranguers exclaimed, the ſelf-created ſocieties reſolved, the preſſes devoted to the party teemed with abuſe; and that in particular which was under the immediate direction of the chief, poured forth one continued torrent of virulent invective. Afraid to attack the head of the executive department himſelf, whoſe tried virtue, whoſe ſplendid ſervices, whoſe great and well-earned popularity, could not fail to rouſe the public indignation againſt any who might impeach the purity of his conduct, all the ſhafts were levelled at the counſellor by whoſe advice the ſyſtem was ſuppoſed to have been adopted, and by whoſe talents it was ably ſupported. It was every where declared, and every where moſt induſtriouſly propagated, that this perſon had enſlaved the mind of the Preſident, and miſled his judgment. Every where, by every preſs and every club, was this perſon branded as a ſpeculator, a thief, a plunderer of the public treaſury which was under his ſuperintendence, a wretch in the pay of England; in fine, the moſt profligate of traitors, the moſt dangerous of public enemies. Theſe calumnies, aſſerted within theſe walls, circulated by members of this Houſe, where induſtriouſly wafted from ſtate to ſtate, for the purpoſe of overwhelming with obloquy and public hatred the author and prop of the neutral ſyſtem, as an eſſential ſtep towards the deſtruction of the ſyſtem itſelf. When the public mind was thought to be ſufficiently prepared, a direct attack was made on him in this Houſe, for the purpoſe of driving him from his office, ſo that the Preſident deprived of his counſels, might the more eaſily be brought to concur in the deſigns of the war-party and of France. The charges before circulated in a vague and indirect form, were reduced to ſpecific accuſations, and brought before this houſe, as the grounds of a vote of impeachment. But although the party had met with ſome ſucceſs while they confined themſelves to their ſtrong hold, to the "Ambiguas in vulgum ſpargere voces" which I mentioned in the beginning of my obſervations, yet when they ventured to fight on the open plain of fact and proof, they were totally routed, when their vague calumnies aſſumed the ſhape of reſolutions, they were eaſily refuted. Every charge was repelled by a vaſt majority of this houſe; and the wiſe and virtuous ſtateſman to whom his country is ſo much indebted, riſing triumphant from the conteſt, eſtabliſhed his fame and his ſyſtem on a baſis more ſolid than ever. Like ſome mighty oak whoſe roots are more ſtrongly fixt, and new vigour added to its growth, by thoſe ſtorms which ſeem to threaten its overthrow.

Thus the war party were again diſcomfitted; and in ſpite of all their efforts, aided by the efforts of the French miniſter, a ſyſtem of fair and impartial neutrality, calculated to preſerve juſtice to all, and keep peace with all, was compleatly eſtabliſhed.

Though beaten, however, Mr. Chairman, they were not ſubdued; nor could they be induced to relinquiſh their favourite object of war and alliance. They waited for a favourable opportunity of renewing the attack, and that opportunity the unjuſt aggreſſions of England on our trade too ſoon ſupplied. Theſe aggreſſions, joined to the remembrance of our former conteſt with that power, and

the reſentments remaining from her former injuries, raiſed a flame of indignation throughout the country, which pervaded all claſſes and diſtinctions of people, and prepared the public mind for meaſures of hoſtility. The occaſion was ſeized by the war party, and uſed with an activity and zeal which gave them the faireſt proſpects of ſucceſs. The attempts were not direct; becauſe in that caſe the people might have been brought to reflect. The great object then as before, was war againſt England, and alliance with France; but not one word was ſaid about war or alliance, words which might have created alarm, and given riſe to heſitation. But meaſures were propoſed whoſe direct and inevitable tendency was to widen the breach with England, and inflame the two countries more and more againſt each other. Theſe meaſures aſſumed various ſhapes, to ſuit the feelings and catch the paſſions of particular individuals, or claſſes of men, and were urged with unremitting zeal, and indefatigable induſtry: Sometimes commercial reſtrictions on the trade of England, were attempted; ſometimes the intercourſe between the two countries was to be cut off, and ſometimes confiſcation and ſequeſtration were reſorted to. Many of our beſt citizens, and the firmeſt friends to peace and neutrality, were impelled by the warmth of the moment, and the inſinuations of this party, to favour, and even to propoſe or advocate theſe meaſures; and nothing was omitted to raiſe a ſtorm of popular reſentment and public odium, againſt all thoſe who had the firmneſs to withſtand them. To ſpeak of negociation, was branded as puſillanimity; to ſpeak of attempts at amicable adjuſtment, was pronounced to be little ſhort of treaſon. Gentlemen for their oppoſition to theſe hoſtile meaſures, were ſtigmatized, on this floor, as the agents of England; mobs were hired to burn them in effigy in various towns in the union; the preſſes devoted to the war party, aſſailed them with continued vollies of calumny; their names were coupled with every diſgraceful epithet, with every vile accuſation; in the toaſts of clubs, and the reſolutions of ſocieties; and finally, by all theſe means, aided by the continued aggreſſions of England, an univerſal flame was excited in the country, and the party ſaw itſelf approach rapidly to the moment of its triumph over the ſyſtem of peace and neutrality.

When the country was thus on the point of ruſhing down the precipice, the Preſident of the United States, deſtined ſo often to become its ſaviour, again ſtretched out his paternal hand, and prevented the fall. Interpoſing the powers of his office, and his immenſe perſonal popularity, between the legiſlature and the gulph, at the very brink of which it had almoſt arrived, he arreſted its career, and afforded the country time to recover from its delirium. He ſent an envoy-extraordinary to make one further attempt at an amicable adjuſtment of our differences with England, before we ſhould reſolve to terminate them by the ſword; and by this ſtep he again broke the meaſures of the war-party.

Their rage was proportioned to their diſappointment, and it hurried them into the moſt furious invectives againſt the Preſident, againſt the envoy, and againſt all who were underſtood to favour the meaſure. E-

very body remembers, Mr. Chairman, how they accuſed this envoy of being a tool of the Britiſh miniſtry, an enemy to liberty, and even an oppoſer of the independence of this country. Every body remembers what clamours were raiſed about the unconſtitutionality of his appointment; how the clubs toaſted, the orators harangued, and the ſocieties reſolved. Every body remembers how all the preſſes under the influence of this party loudly alledged that the friends of the negociation were a faction devoted to England, and that the Preſident of the United States, by ſending the envoy, had placed himſelf at the head of this faction. Every one remembers how the leaders of this party did not refrain from repeating theſe accuſations within the walls of this Houſe, and even on this floor. It was in vain that the friends of the meaſure, and of peace, ſpoke to them in language like this. "Let this attempt at negociation be made, and if it fails, we will join "you in war. Should England refuſe to do us juſtice, when thus peace-"ably applied to, we will join you in every meaſure of compulſion. "We conſider this as the laſt effort at negociation; and ſo the Preſi-"dent has announced it in his meſſage for nominating the envoy." No! Theſe gentlemen now ſo peaceable, when France repels with contempt, two ſucceſſive efforts at negociation, and meets all our advances by new meaſures of hoſtility, could then be ſatisfied with nothing leſs than immediate meaſures of coerſion and irritation againſt England. A ſingle attempt to negociate they reprobated as puſillanimity, and the very idea of a compromiſe, they treated as a ſurrender of the rights and honour of the country. When the envoy arrived, and preſented a memorial, ſtating all our claims, and urging ſatisfaction, but urging it in the uſual forms of diplomatic civility, theſe forms were converted into a cauſe of accuſation, a moſt violent out cry was raiſed againſt this civility, by the very gentlemen who now proclaim their unbounded, and even enthuſiaſtic approbation of the conduct of the late miniſter to France, who in his firſt addreſs to the government of that republic aſſured it ſolemnly and publicly, that this country was ready to ſubmit, and to ſubmit chearfully, to any infractions of its treaties or violation of its rights, which France might think it for her own advantage to commit!* Whence this ſtrange inconſiſtency, but from an eager deſire of war againſt England, and a blind, ſervile devotedneſs to France? And will gentlemen, after all this, deny that the whole ſcope of the meaſures, the whole drift of the ſyſtem of their party, has been war againſt England and alliance with France?

The envoy, however, continued to negociate, and at length concluded a treaty, whereby ancient differences were adjuſted, and the foundation laid for amity in future. No ſooner did this treaty arrive in the country than every artifice was uſed to inflame the public mind, and excite againſt it the popular prejudices. Nothing was omitted to defeat it in the Senate, and when ratified by that body it was attacked by every coffee-houſe politician of the party before it was publiſhed, by

Note by Mr. Harper.

* See Mr. Monroe's book, pages 10 and 34, 35, where this declaration is acknowledged and juſtified.

all their preſſes, and by the reſolutions of all the clubs. When made public, the moſt unheard of means were uſed to overwhelm it with general odium, to raiſe an univerſal cry againſt it, and deter the Preſident from giving it his ſanction. In every town mobs were aſſembled, under the more reſpectable name of town meetings; thoſe of a different opinion were ſilenced by clamour, intimidated by threats, or actually driven away by violence; and all oppoſition or diſcuſſion being thus prevented, theſe aſſemblages of ignorant and illiterate men, were prevailed upon to vote by acclamation for reſolutions which they were incapable of underſtanding, and could not even hear.

Thus the appearance of a formidable popular riſing in various parts of the continent, was exhibited, and the phrenzy caught. It ſpread wider and wider, and, aided by various auxiliary paſſions, drew into its vortex great maſſes of the beſt and moſt well intention citizens. The country again ſeemed on the point of ruſhing down the precipice; but fortunately its guardian genius yet preſided over its affairs. The Preſident of the United States again placed himſelf in the breach, and received on his buckler all the ſtrokes aimed at the happineſs of the country. He ſpoke to the people; they heard the voice of their father, they liſtened and became calm. He ratified the treaty; and the people ſaid "it is done, and muſt it not be ſupported," he has done it, and is it not right? They liſtened, and were appeaſed; they read, and were convinced; they diſcovered their firſt errors, acknowledged and renounced them:

But not ſo the party whoſe object was war againſt England at all events. They ſaw in this treaty the death of their hopes, the final fruſtration of all their projects; for this treaty took away all cauſe of quarrel between the two countries: and they reſolved to make one grand effort for its deſtruction; which being accompliſhed, all the ancient diſputes would be reinſtated, with new aggravation; and a rupture would be rendered by ſo much the more certain, as there could be no faith in any new accommodation. To this object they bent their whole force; and this houſe was the place for the attack. When the treaty came before this houſe to be carried into effect, doctrines new to the conſtitution, and incompatible with its exiſtence, were introduced in order to deſtroy it. The treaty-making power was attempted to be rendered ſubject to the control of this houſe; as the power of appointing foreign miniſters is now attempted to be rendered ſubject. The treaty was attacked through the ſides of the Conſtitution; a war was ſought by the overthrow of our government, and the violation of our plighted faith. But a firm reſiſtance was given to theſe attempts. Enlightened diſcuſſions ſpread the truth before the eyes of the people. Warned by the errors into which they had before been drawn, and rouſed by the magnitude of the danger, they roſe in their might, and the party was diſmayed, they ſpoke and it trembled; they put forth their hand and touched it, and it ſunk to the earth.

Thus again, Mr. Chairman, were the projects of theſe gentlemen confounded. Thus again were they prevented from effecting their

purpoſe, ſo much deſired, of driving this country into a war with England and the fraternal embraces of France.

The remaining hiſtory is known. The French, under pretexts ſo frivolous that not one gentleman on this floor has been found hardy enough to defend them, have quarrelled with us on account of this treaty; becauſe by terminating our differences with England, it cuts off all hope of our being drawn into the war againſt her. In this quarrel, France, proceeding avowedly on the ground of our being a divided people, oppoſed to our own government, and attached to her, repels all our amicable advances, meets them with new injuries, and declares that before ſhe will liſten to us, we muſt tread back all our ſteps, reverſe our whole ſyſtem of policy, break our treaty with England, and admit her own conſtruction of her treaty with us. In this critical and alarming ſituation of affairs, the ſame deſcription of perſons, the ſame individuals even, who have ſo perſeveringly attempted to bring us into the war againſt England according to the views of France, who have ſo uniformly, and with ſo much zeal, ſupported all the pretenſions of France, now come forward and make a direct attack on the Executive, the tendency of which neceſſarily is to divide it from this houſe, when there is the utmoſt need of union, and withdraw from it the confidence of the people, when that confidence is more than ever eſſential. What is this but a continuation of the ſame ſyſtem? And an we be blamed for ſeeing in this attempt a new effort to throw this country into the arms of France, by rendering the government unable to reſiſt her; by forcing it, from weakneſs, to ſubmit to her mandates; to break, in obedience to them, its treaty with England, and ſubſtitute in its place, an alliance offenſive and defenſive with her?

If this be not the object of gentlemen; if it be not their intention thus to ſerve their country by reducing it to the ſituation of Holland, how are we to reconcile their preſent with their former conduct; their eagerneſs for hoſtile meaſures formerly, with their tame ſubmiſſive ſpirit now; their zealous oppoſition to every thing like negociation formerly, with their equally zealous oppoſition to every thing like reſiſtance now? If this be not their ſyſtem, then all that I can ſay about their preſent meaſures, contraſted with thoſe purſued by them on a former occaſion, about their former eagerneſs for alliance with one foreign nation, and war with another, contraſted with their preſent declamations againſt all ſorts of foreign connections or intercourſe, is to exclaim, in the eloquent language of the gentleman from Pennſylvania, that thoſe meaſures form the laſt leaf of that book wherein are written the inconſiſtencies of party.

Whether this ſyſtem of war and alliance, this ſyſtem of fraternity with France, ſuch as the Dutch now enjoy, and hoſtility, under her orders, againſt all her enemies; this ſyſtem ſo ſteadily purſued, but ſo often defeated, ſhall now at length begin to triumph, I conſider as the queſtion now to be decided. It is now to be decided whether an important ſtep ſhall be taken towards compelling our government,

thro' debility, to ſubmit implicitly to France, towards laying this country, bound hand and foot, at the feet of that haughty, domineering nation. To take this ſtep, to commence the triumph of the fraternal ſyſtem, I take to be the object, as I know it to be tendency, of the inroad on the executive power attempted by this amendment. Hence it is that I oppoſe it with the warmeſt zeal and with all my might; and if my oppoſition ſhall contribute in the ſmalleſt degree to its defeat, I ſhall neither regret the time I have occupied, nor apologize for the trouble I have given to the Committee.

9 Π 64